The Times

SECOND INDIAN REPORT SUPPLEMENT

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SUMMARY

Volume II. of the Report of the Indian Statutory Commission contains the Commission's recommendations. The document is divided into 12 parts. The recommendations are:—

PART I.—General Principles

The new Constitution should "contain within itself provision for its own development."

Any constitutional change must have regard to a future development when India as a whole—not merely British India, but also the States—will take her place as one of the States of the British Commonwealth of Nations.

The ultimate constitution of India must be federal.

It is a "paramount necessity" that while India is progressing on the road to complete self-government "there must be full provision made for the maintenance and efficiency of the fundamentals of government."

PART II.—The Governors' Provinces

Each province should be as far as possible "mistress in her own house." The provincial autonomy proposed means the abolition of dyarchy. Each province should have a unitary Cabinet jointly responsible to the Legislature for the whole policy of the Provincial Government.

The Governor should have overriding powers for certain purposes—in particular, to preserve the safety and tranquillity of the province and to prevent serious prejudice to any section of the community.

The membership of the Provincial Councils should be increased. For the more important provinces a number between 200 and 250 is suggested as sufficient for the present. The life of the Councils should be five years.

The system of communal electorates should be continued.

The franchise should be broadened. At present only 2.8 of the population of the areas returning members are registered voters. Ten per cent. should be enfranchised.

A Boundaries Commission should be set up to investigate cases where a readjustment seems called for.

PART III.—The North-West Frontier

Steps should be taken to set up "suitable representative institutions" in the Frontier Province.

PART IV.—The Centre

In place of the present Legislative Assembly there should be a Federal Assembly of between 250 and 280 members, with a fixed life of five years. Members should not be directly elected by constituencies, but elected by the Provincial Councils by the method of proportional representation.

PART V.—Defence

It will be impossible, "at least for a very long time to come," for the Army entrusted with the task of defending India to "dispense with a very considerable British element."

Indian defence is not a matter of purely Indian concern.

PART VI.—Burma

The immediate separation of Burma from India is recommended.

PART VII.—The Indian States

A Council for Greater India should be created. This body should have, say, 30 members, 10 of them representatives of the States, and it should have consultative and deliberative functions in regard to "matters of common concern" to British India and the States.

PART VIII.—Finance

The recommendations on Finance are based on the assumption that economic and social conditions can be improved by a substantial increase in the expenditure on "nation-building" services and that it is possible to raise additional revenues for the purpose.

PART IX.—The Services

Recruitment for the security services—Indian Civil Service and Police Service—should continue on an All-India basis.

PART X.—The High Courts

Administrative control of all High Courts should be exercised by the Government of India and not by the Provincial Governments.

PART XI.—Relations with Home Government

The Governor-General in Council should remain in constitutional theory under the direction and control of the Secretary of State for India. The Secretary of State will exercise no control over Provincial Governments, save in connexion with the special powers vested in the Governors.

PART XII.—Conclusion

The Report concludes with a statement of the greatness of the contribution which Britain has made to Indian progress and of sympathy with Indian national aspirations.

VOLUME II.—THE RECOMMENDATIONS

In Volume II. of its Report, which is published to-day as a Blue-book (Cmd. 3569, price 3s.), the Indian Statutory Commission puts forward recommendations for a new constitutional scheme for India.

The members of the Statutory Commission, which was appointed on November 26, 1927, are:—The Right Hon. Sir John Simon, K.C.V.O., M.P. (Chairman); the Viscount Burnham, G.C.M.G., C.H.; the Lord Strathcona and Mount Royal; the Hon. E. C. G. Cadogan, C.B., M.P.; the Right Hon. Vernon Hartshorn, M.P.; Colonel the Right Hon. G. R. Lane Fox, M.P.; Major C. R. Attlee, M.P.

The Commission was appointed under the Government of India Act of 1919 for the purpose of inquiring into the working of the system of government, the growth of education, and the development of representative institutions in British India, and matters connected therewith, and of reporting as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government existing therein, including the question whether the establishment of Second Chambers of the local Legislatures is or is not desirable.

In Volume I. of their Report (Cmd. 3568, price 3s.) the Commissioners surveyed the problem before them. A detailed summary of this Volume appeared in the Special Supplement of *The Times* issued on June 10. Volume II. contains their recommendations, with a long and detailed account of the reasons upon which these are based. The whole Report is unanimous on all fundamental matters.

Volume II., a book of 340 pages, is divided into 12 parts, the first a statement of the general principles of the proposals, as the Commissioners think it "very necessary, both for the better understanding of the details of our own Report and for the consideration of any modifications consistent with its framework, which may be suggested hereafter, that the basis upon which the whole structure stands should first be clearly established."

PART I.

GENERAL PRINCIPLES

In an introductory chapter to Part I. the Commissioners say:—

We have tried in Volume I. to set out as fairly and impartially as we can the conditions of the Indian problem. First of all, we have endeavoured to bring before those whose duty it is to provide for India's constitutional future a realization of the facts of the situation, those stubborn facts which no amount of rhetoric or appeal to abstract principles can alter. The immense area and population of India, the diversities of race, creed, and caste, the existence of the Indian States, the predominance in numbers of the rural population, the high percentage of illiteracy, and the standing menace of the North-West Frontier, are all facts which no person, British or Indian, who has to deal with the constitutional problem of India can possibly ignore.

These facts must be faced. Their existence cannot in any way be allowed to invalidate the solemn pledge of the British people with regard to the progressive realization of responsible government in British India. They may be compared to the physical features of a site for a city, which do not prevent the city being built, though they condition its plan and the length of time which must elapse before its completion.

The Commissioners have also given in Volume I. a picture of India as it is governed to-day under the reformed constitution. In the present volume they add:—

The introduction into an Oriental country, with a long history of autocracy, of methods of self-government evolved during centuries of experiment by a Western nation for its own conditions and its own people was a momentous and even hazardous enterprise which should be studied with sympathy and understanding.

In the light of the facts surveyed in Volume I. the Commissioners have come to "certain general conclusions upon matters of principle" which they state and explain before setting out their detailed recommendations.

MECHANISM OF ADVANCE

The first principle which the Commissioners lay down is that the new constitution "should, as far as possible, contain within itself provision for its own development."

It should not lay down too rigid and uniform a plan (the Report says), but should allow for natural growth and diversity. Constitutional progress should be the outcome of practical experience. Where further legislation is required, it should result from the needs of the time, not from the arbitrary demands of a fixed time-table. The constitution, while contemplating and conforming to an ultimate objective, should not attempt to lay down the length or the number of the stages of the journey.

We were appointed under a provision of the Government of India Act, whereby at the end of 10 years a Commission was to inquire and report, in effect, upon the working of the reformed constitution and on what changes were desirable. This method of periodic inquiry and enactment is quite foreign to the spirit of constitutional development, as understood and applied elsewhere in the Empire. It has been a characteristic of the evolution of responsible government in other parts of the British Empire that the details of the constitution have not been exhaustively defined in statutory language.

The Preamble to the Government of India Act declares that progress in giving effect to the policy of the progressive realization of responsible government in British India can only be achieved by successive stages; but there is no reason why the length of these successive stages should be defined in advance, or why every stage should be marked by a commission of inquiry. We are profoundly convinced that this method of inquiry at stated intervals has had a most injurious effect on the working of the reformed constitution, and on Indian political life. Whatever may have been the merits or defects of the constitution proposed as the result of the Montagu-Chelmsford Report, the time limit of 10 years gave it the character of a makeshift affair, and the working of a constitution under a time limit inevitably breeds certain evils.

Those who have to work a temporary constitution tend inevitably to fix their minds upon the future instead of on the present. Instead of making the most of the existing constitution and learning to deal with practical problems under existing conditions, they constantly endeavour to anticipate the future and to push forward the day for the next instalment of reforms. There is little incentive to try to make the system a success; on the contrary, those who are not satisfied with the advance already made are eager to prove that the temporary constitution is unworkable.

"A DELICATE OPERATION"

It was in any case a difficult and delicate operation to transplant to India forms of government which are native to British soil, and what was needed was that the new institutions should have time to take root and to grow naturally. The British Parliamentary system has developed in accordance with the day-to-day needs of the people, and has been fitted like a well-worn garment to the figure of the wearer, but it does not follow that it will suit everybody. Custom and convenience have retained in it various provisions which, formed for one purpose, are in practice used for another . . . British Parliamentarism in India is a translation, and in even the best translations the essential meaning is apt to be lost. We have ourselves in attending debates in the Assembly and provincial councils been more impressed with their difference from than their resemblance to the Parliament we know . . . All this would in any case have made the beginning of the new constitution a time of anxiety, but the further announcement that the system was liable to be overhauled 10 years later greatly added to the difficulty of working it fairly in the meantime.

In any case the time is too short for any real judgment to be formed. During the early periods of a new system, the momentum derived from the old still operates. In India, the prestige and experience of those who had worked the former system were still available. It is, therefore, difficult to decide how far success or failure is due to the new or the old elements in the Government.

Finally, the Commissioners say, "one essential and inevitable defect of a limited and temporary scheme was that it should be almost completely rigid."

The Act of 1919, they explained, necessarily had to contain a number of detailed provisions which could only be altered by an amending statute. These provisions, save for some slight possibility of alteration by regulation or convention, had to be applied in all provinces alike. In the course of the experiment some of them worked well, some ill; some worked well in some provinces, but were found unsuitable in others; but there was no power of alteration where and when necessary. The general effect has been to cramp and confine development and to restrict the range of experiment. We consider that this inelasticity has been a great disadvantage in so large a country as India, where province differs so much from province.

While it is possible to frame a constitution now, the provisions of which will be in harmony with a future development, we do not think that within the compass of a single statute provision can be made for a continuous evolution of the main government of India by the method of internal adjustment and growth.

AN ALL-INDIA SOLUTION

A consideration of what should be the ultimate goal of British policy in India in pursuance of the declaration of August 20, 1917, leads the Commissioners to lay down a second principle. It is that any constitutional changes now recommended for British India must have regard to a future development when India as a whole, not merely British India, will take her place among the constituent States of the Commonwealth of Nations united under the Crown. The Commissioners declare:—

In the course of our inquiries we became more and more convinced of the impossibility of continuing to look at one half of India to the exclusion of the other, and we took occasion to inform the Prime Minister of our intention, with which he agreed, of dealing in our Report with the relationship of British India and the States.

It is a common practice in India to speak of questions in which all the British provinces are interested as "All-India" questions. But All-India is more than British India. We believe that, unless this ultimate goal is borne in mind in framing India's constitution, there is a danger of the mind of political India being led astray by false analogies, and that there are practical as well as theoretical reasons for so planning the structure of Indian Government that the transition to a truly All-Indian polity can be made as soon as the time is ripe.

It is a striking fact not always sufficiently borne in mind that it is India, not British India, which is a member of the League of Nations—a fact which is emphasized by the invariable presence of an Indian Ruling Prince as a member of the Indian delegation. If India then is one of the nations in the world organization, it must surely be India as a whole which will be involved in the ultimate constitutional scheme.

Having declared that a glance at the map of India will show how closely the States and British India are interwoven, the Commissioners continue:—

It is one of the great claims of British rule in India that it has brought a peace and unity hardly ever before known in the peninsula, and has substituted for a congeries of warring States a single India united by a common allegiance to the Crown, although one part only is directly under British rule.

The Commissioners point out that economic forces are such that the States and British India "must stand or fall together," and they call attention to the effect on the States of the adoption, at the wish of the Central Assembly, of an extended protective tariff. "This body, legislating professedly only for British India, has in effect imposed indirect taxation on the inhabitants of the States." As the States themselves have their own tariff policies, there is a serious possibility that, unless provision can be made for the reconciliation of divergent interests, numbers of tariff walls will be perpetuated in an area where fiscal unity is most desirable.

There is the "still more fundamental point" that there are few subjects which should form the field of activity of a Central Government in India which do not, in fact, interest also the Indian States. An outstanding example is that of defence. Others are communications and important social matters such as the prevention of the spread of epidemics.

NATIONALISM

The unity imposed upon India by the external forces of Great Britain is to-day reinforced by an increasing sense of Indian nationality. The Report says:—

It has only been the existence of British rule in India that has rendered such a development possible. The movement has been growing steadily for the last 50 years and with a greatly accelerated pace in the last decade. . . . Whatever may be its shortcomings and however distasteful some of its manifestations, it appears to be the one force in Indian society to-day that may perhaps contain within itself the power to overcome the deep and dangerous cleavages that threaten its peace. Nationalism is a force with immense power for good or evil, and the task in the future is to utilize that force for constructive ends. For nationalist movements that fail to find an appropriate outlet for their energies tend to mere strife and futility. Indian nationalism is a phenomenon which cannot be disregarded by the rulers either of British India or of the Indian States.

But while we hold that the ultimate development of the Indian policy must lie in the direction of a solution embracing all India, it is absolutely clear that the States cannot be compelled to come into any closer relationship with British India than exists at the present time. Indian rulers are naturally proud of their historic position and their rights have been repeatedly acknowledged. At the same time, we believe that they recognize more and more the need for adjusting their future relationship to the rest of India. We believe that they will only be ready to come into the larger whole when they can see that their rights and position will be safeguarded. The greater unity will come about when it is felt that it is to the mutual advantage of both sides to pursue it. We desire that the new constitution should provide an open door whereby, when it seems good to them, the Ruling Princes may enter on just and reasonable terms.

THE IDEAL OF FEDERATION

The Commissioners declare that if the principle they have laid down is valid, "it inevitably follows that the ultimate constitution of India must be federal, for it is only in a federal constitution that units differing so widely in constitution as the provinces and the States can be brought together while retaining internal autonomy." This, they say, is recognized in the Montagu-Chelmsford Report. They also quote the following pronouncement made by the Maharajah of Bikaner to the Legislative Assembly of his State on December 19, 1929:—

I look forward to the day when a United India will be enjoying Dominion Status under the aegis of the King-Emperor and the Princes and States will be in the fullest enjoyment of what is their due—as a solid federal body in a position of absolute equality with the federal provinces of British India.

However distant that day may be, the Commissioners declare, "we desire in our proposals to do nothing to hinder but everything to help its arrival, for already there are emerging problems that can only be settled satisfactorily by cooperation between British India and the States." The Report goes on:—

It might be possible to visualize the future of federation in India as the bringing into relationship of two separate federations, one composed of the elements which make up British India, the other of the Indian States. We do not wish in any way to be dogmatic on a matter which must be decided by those concerned. While we have given much attention to the subject, we have not received evidence from the Rulers of the Indian States. We recognize that it is one of the matters

which may be discussed when the proposed conference takes place. [This refers to the conference of representatives of his Majesty's Government, of British India, and of the Indian States, to be held in London in October for the purpose of seeking the greatest possible measure of agreement for the final proposals to be submitted to Parliament.] We are inclined ourselves to think that the easier and more speedy approach to the desired end can be obtained by reorganizing the constitution of India on a federal basis in such a way that individual States or groups of States may have the opportunity of entering as soon as they wish to do so. It appears to us that the alternative method would reduce progress to the pace of the slowest. Furthermore, we do not believe that in matters of federal concern the States will be always ranged on one side and British India on the other. On the contrary, there are matters in which the interests of particular States and Provinces more clearly coincide. Whatever may be the ultimate decision, it seems to us that the reorganization of British India on a federal basis will prepare the way for it.

BRITISH INDIA

Apart altogether from any question of an ultimate federal union between the Indian States and British India, there are, we think, very strong reasons for the reconstruction of the Indian constitution on a federal basis. We recognize that a change from a unitary to a federal system is unusual. Federation has often been an intermediate process whereby independent States have agreed to relinquish part of their sovereignty before they were ready to merge their separate identities in a unitary State. The general tendency in federations once formed has been towards increasing centralization. It may well be asked why the reverse process is recommended to-day. The answer is to be found in the peculiar features of the Indian problem.

India is gradually moving from autocracy to democracy. As soon as an instalment of self-government was introduced it was found necessary to accompany it with a measure of devolution, because the practical difficulties of applying the principles of Western democracy to so large a unit as British India were insuperable. There is a very definite correspondence between dimensions of area and population and the kind of constitution that can be operated successfully. There have been autocratically governed States comparable in size and population to India, but a democracy of nearly 250 million people is unprecedented. The largest and most populous State democratically governed, the United States of America, has less than half that population, and despite its high level of education, its possession of a common language and culture, and the long political experience of its people, it consists of 48 States united in a federation. To imagine that a constitutional structure suitable for 45 millions of British people, mainly urban, will serve equally well for 250 millions of Indians spread over a sub-continent and living in half a million villages is unreasonable. If self-government is to be a reality, it must be applied to political units of a suitable size, after taking into account all relevant considerations. Representative democracy as it is understood in Britain depends for its success on the possibility of a close contact between elector and elected person. Unless this is secured, it is not real representation at all.

A further reason is that it is only in a federal structure that sufficient elasticity can be obtained for the union of elements of diverse internal constitution and of communities at very different stages of development and culture. The need for this appears not only when contemplating the prospect, perhaps distant, of the ultimate federation of the States with British India, but when the immediate facts of the situation inside British India are examined.

There are areas in India which by reason either of their geographical situation or of their ethnological composition have not been brought under the Reforms. The political institutions suitable to other parts of British India could not be effectively worked in them; yet they must have their place in the general structure. It is not reasonable or, indeed, possible to apply the same hard and fast constitution to every part of India, and to attempt to do so would necessarily retard political progress.

UNITS OF FEDERATION

In considering the constituent elements out of which the federation of British India is to be built, the Commissioners point to an "initial difficulty."

Federation schemes (they say) usually start with a number of clearly defined States each already possessed of individuality and consciousness, whereas in India there are only a number of administrative areas which have grown up almost haphazard as the result of conquest, supersession of former rulers, or administrative convenience. . . .

The present provinces cannot be regarded as "in any way ideal areas for self-government." Therefore, in spite of the difficulties encountered in all attempts to alter boundaries and the administrative and financial complications that arise, the Commissioners make a definite recommendation for "reviewing, and if possible resettling, the provincial boundaries of India at as early a date as possible." Meanwhile, the provinces of India exist and "form the basis on which a federal structure must be built."

SEPARATION OF BURMA

There is, however, one province, to-day an integral part of British India, which should, the Commissioners think, be "definitely excluded from the new policy." That is Burma. "As the Montagu-Chelmsford Report pointed out, Burma is not India. Its inclusion in India is a historical accident. We think that, when an endeavour is being made to lay down the broad lines of advance towards an ultimate goal, the opportunity should be taken to break a union which does not rest on common interests." The reasons for this conclusion are developed in Part VI., which also contains some remarks upon the future constitution of Burma.

THE ABOLITION OF DYARCHY

The Commissioners explain that the scheme which they recommend in more detail in Part II. "completes the process of devolution," and they add:—

It aims at giving the maximum of provincial autonomy consistent with the common interest of India as a whole. This means the abolition of dyarchy, for it was of the essence of this system that, while certain departments were transferred to the control of Ministers, the reserved side of the administration was still carried on under the superintendence, direction, and control of the Central Government. Devolution was, therefore, incomplete. It is our intention that in future each province should be as far as possible mistress in her own house. Thus independent life will be given to the provinces which will form the nucleus of the new federal structure.

The ideal of "provincial autonomy" was often brought to our notice by witnesses who appeared before us, but they generally used the term not only as descriptive of a relationship between the Centre and the provinces, but also as implying self-government in the provincial sphere. Our proposals for the future constitution of the provinces recognize this demand. We propose that in future the progress of these great areas should be entrusted to a unitary Government responsible to Legislatures elected on an extended franchise. Within the general plan there will be scope for variation according to provincial needs and circumstances. Each of the provinces—or of the redistributed areas substituted for them—will be able to evolve by a process of growth and development the form of executive and legislative machinery most suited to it. The essence of the plan is to afford to Indians the opportunity of judging by experiment in the provincial sphere how far the British system of Parliamentary government is fitted to their needs and to the natural genius of the people.

It must be realized that the change involved is very great and far-reaching. Henceforward, in the provincial sphere, all branches of the administration may pass into the hands of Indian Ministers. We should not have felt justified in recommending such an advance without at the same time providing for broadening the basis of representation.

THE CENTRAL AUTHORITY

We have in the provincial sphere endeavoured to give a full opportunity for an experiment in the application of the British Parliamentary system. It has been necessary to combine it with restrictions and qualifications under which the full force of majority rule is mitigated by the power of intervention vested in the Governor for such purposes as the protection of minorities and the preservation of order. In so intervening, the Governor will be acting under the superintendence of the Governor-General, for it is on the strength of the central administration that the peace and safety of India ultimately depend. We do not think, however, that the British Parliamentary system, with an Executive representing a single party and depending from day to day on the vote of a majority of directly elected representatives, is likely to be the model according to which responsible government at the Centre for India will be evolved. Parliamentary government of this type is not the only form which responsibility may assume. It takes different forms in different places and circumstances, and the British system cannot be transplanted at will and adopted ready made. It has to be remembered that the constitutional scheme familiar to us—under which the chiefs of the party with a Parliamentary majority form an Administration which is liable to be overthrown by Parliamentary vote—is not a universal arrangement. In England it results in stable government largely because of the extent to which the Cabinet controls the House of Commons, instead of the House of Commons controlling the Cabinet. But it does not result in stable government everywhere, and it seems to be a very large assumption indeed to suppose that it is along this road that India as a whole will advance towards the goal set before her. We think that Indians have been apt to be led astray by keeping the British Parliament too closely in view and have imagined that the Assembly in Delhi might develop into an All-India Parliament functioning after the model of Westminster. We consider that the precedent for the Central Government in India must be sought for elsewhere.

What is needed, the Commissioners urge, is "a central organ which can at once take up the work of British India so far as this does not devolve on the provinces, but which at the same time is capable of expansion into a body representative of All-India in the wider sense."

If the ideal to be aimed at (the Report goes on) is a federation to which the Indian States will one day adhere, the process of evolution in British India towards provincial autonomy in matters of internal government must be thoroughly carried out. The union of constituents such as the Indian States with the provinces of India, the former autocratic and the latter democratic, necessarily involves giving the greatest possible internal freedom to the federal units. It is, we think, abundantly clear that it is only on such terms that there could be hope of achieving the unity of Greater India. The Central Government becomes on such a theory an association of units formed mainly for the purpose of performing certain functions on behalf of all.

A "SUBSTANTIAL" CHANGE

A "substantial change" in the present constitution of the Central Legislature is required. This body must be composed henceforward on a strictly federal basis, "that is to say, it should be the units of ultimate federation rather than popular constituencies that should be represented on it."

Direct election to the Central Legislature (it is pointed out) involves constituencies of such size as make it impossible to secure reality of representation. Our examination of the problems of public finance in India, and the Report made to us by our Financial Assessor, lead us to propose a scheme which will enable the provinces to secure much needed additional revenue, by methods which require that the provinces should feel themselves to be represented at the Centre. Various arguments, therefore, converge in support of the view that reconstruction at the Centre should not closely follow the lines already pursued. All that it is necessary to emphasize here is that the new constitution which we propose for the Central Government is something differing from Parliament, and cannot, therefore, be judged on the assumptions that might be made in considering the needs of a unitary state.

How much of the ultimate object in view can be expressed in statutory form at the present time? Even if the Indian States be ignored and only the provinces considered, the "necessary conditions for bringing a fully federal constitution into being are not yet present." The provinces must first become political entities. The Report adds:—

Experience shows that federation has generally come about some time after the federating units have become politically self-conscious. In Australia and South Africa, for example, unity at a common centre was only brought about a substantial time after each of the constituent units, or at any rate most of them, had achieved self-government. The same thing is, in substance, true about the Dominion of Canada. The very name of the United States illustrates the same sequence. India, which presents so many complications on other grounds, is also unique in this that a Central Government is being evolved at the same time as the provinces are growing to their full stature. But this does not alter the significance of the lesson to be learnt from these other instances. Thus an attempt to devise now a detailed and final constitution for the Centre would be to ignore the fact that its ultimate form must depend on the action of its constituent parts. We can but provide the conditions for its future realization.

NEED FOR SAFEGUARDS

The last principle which the Commission lays down is the "paramount necessity of securing that throughout the period during which India is progressing on the road to complete self-government there must be full provision made for the maintenance and efficiency of the fundamentals of government."

"However much we may subscribe to the doctrine that good government is no substitute for self-government," the Commissioners declare, "we must ensure that we do not put forward proposals that will permit of government being replaced by anarchy. It must be recognized that there are grave dangers in the situation of India that must be provided for."

Whenever there has been wanting in India a Government strong enough to defend itself, invasion through the gateway of the North-West has occurred. It is an "absolute condition" for the development of self-government in India that the gateway should be safely held. The Report says:—

The Army in India must be strong enough for its task. We hold that for many years the presence of British troops, and British officers serving in Indian regiments, will be essential. It would be idle to deny that this fact gravely complicates the problem of the introduction of an increasing measure of responsibility into the Central Government, but we believe that the proposals which we put forward for consideration with regard to the status of the Army in India would reconcile the demands of security and of advance.

INTERNAL ORDER

If the external menace to India's peaceful development is serious, the possibilities of internal disturbances are not less grave. In elaborating this point the Commissioners say:—

The danger of disorder in India is ever present. There are inflammable elements in the population and jealousy and ill-feeling between important communities which from time to time cause riots and disturbances. The history of communal disturbances during the past few years shows how slight an incident may cause trouble which, if not checked at an early stage, may easily spread from district to district. Nowhere in the world is there such frequent need for courageous and prompt action as in India, and nowhere is the penalty for hesitation and weakness greater.

The problem involved in internal security is not, however, a matter only of the preservation of law and order. During British rule the population of the peninsula has enormously increased, but its very existence depends on the efficiency of the administrative machine. There are great communities living on land which owes its fertility entirely to an elaborate system of irrigation. A still larger section of the population is dependent for its existence on a precarious rainfall. If the monsoon fails, millions will die of famine, unless there is an efficient railway system to bring food from the areas where the crops have not failed.

The spread of epidemics, such as plague, is only prevented by constant vigilance on the part of the authorities. The life of millions in India depends literally on the existence of a thoroughly efficient administrative system. While we are prepared to recommend a considerable advance towards self-government, and while we believe that a sense of responsibility can only be taught by making men responsible for the effects of their own actions, we desire to secure that experience is not bought too dearly. There must be in India a power which can step in and save the situation before it is too late. There must be provided, as far as may be, safeguards to ensure the maintenance of vital services. The Governor-General or the Governor, as the case may be, must be armed with full and ample powers. We desire to give the fullest scope for self-government, but if there is a breakdown, then an alternative authority must operate unhampered.

MINORITIES

The Commissioners also state that "until the spirit of tolerance is more widespread in India and until there is evidence that minorities are prepared to trust to the sense of justice of the majority," there is indeed need for safeguards for minorities; and they consider that the only practical means of protecting the weaker or less numerous elements in the population is by "the retention of an impartial power, residing in the Governor-General and the Governors of provinces, to be exercised for this purpose."

The Commissioners end Part I. by declaring, as they declared in Volume I., that their "governing purpose" is to "apply to the reform of the Indian constitution the principles of the declaration of August 20, 1917, and to make provision for the steady growth of the element of responsibility in the government of India." Part I. ends as follows:—

The authors of the Joint Report written 12 years ago found that the possibility of rapid advance was greater in the provincial sphere than at the centre, and this remains true. The reasons which constrained the authors of the Report were not so much doubts as to the path to be followed or apprehensions of the dangers of the experiment, as a recognition of the facts inherent in the Indian situation. Twelve years is a very short time in the course of political evolution, especially when dealing with civilizations so ancient and conditions so diverse as India presents. But if the Indian constitution is now re-established on right lines, and if it is realized that India is evolving into a federation of self-governing units, further approach to the ultimate goal may be achieved in due time without the necessity of constant and disturbing revision.

PART II.

THE GOVERNORS' PROVINCES

In Part II. the Commissioners formulate their views on the need for changes in the system in the Governors' Provinces and their suggestions "as to the direction which those changes should take."

First, they deal with the size and shape of the provinces. The existing provincial boundaries in more than one case "embrace areas and peoples of no natural affinity, and sometimes separate those who might under a different scheme be more naturally united." But it is "manifestly impossible" to recommend a "redrawing of the map of India according to some new pattern." The cases of Orissa and Sind are mentioned in particular. Most, but not all, of the Oriya-speaking peoples are now included in Orissa, and "so close a union as now exists between Orissa and Bihar is a glaring example of the artificial connexion of areas which are not naturally related." As for Sind, the Sindhis are "both racially and geographically" completely separated from the rest of the Bombay Presidency. These cases, however, are only "prominent examples of a class of question which arises at many points when provincial boundaries are considered." The Commissioners, therefore, propose—and they regard it as a matter of urgent importance—that the Government of India should set up a Boundaries Commission with a neutral chairman, which would investigate the main cases in which provincial readjustment seems called for.

In the meantime, taking the boundaries as they are, the Commissioners turn to the question of provincial constitutional reform. Practically every witness and every document dealing with the question recommends a change. The Report says:—

Indian political thought, which is much given to general conceptions and is not always very definite on the essentials of constructive method, tends to regard the present constitution of the provinces as a temporary expedient which should now give place to "provincial autonomy"—a phrase which is constantly used not to indicate the throwing off of all central control so much as the ending of dyarchy and the creation of a Ministry responsible to the Provincial Legislature in respect of all provincial subjects.

The division of governmental functions has led to a blurring of the boundary lines of responsibility, and it is a sound as well as a natural instinct which leads so many of India's public men to call for a further change.

Each of the eight Provincial Governments which responded to the Commission's request for a statement of views suggests a somewhat different solution—but they all agree that something should be done. The suggestions of the Provincial Committees and the Indian Central Committee were similarly varied.

THE COMMISSION'S VIEWS

The views of the Commission—"in the presence of this multitude of counsel and as the result of our own observation and reflection"—are stated as follows:—

The working of the existing system in the different provinces has not led everywhere to the same results, and a diversity of advice naturally proceeds from those who are considering the question primarily in respect of their own province. But it is extremely undesirable that the new Statute should make different provisions for different provinces, not only because this will lead to jealousy and heart-burning, but because such a mode of treatment makes inevitable a repetition of inquiries at close intervals in order to see whether the situation has again changed and what further modifications are called for. Moreover, it would be a very bold assumption to imagine that anyone, of any race, could settle now in every detail the way in which provincial government should work out in the future.

The right method, we are convinced, is to construct a constitutional framework into which all the provinces can fit, but which will leave enough latitude for adjustment to the needs of the individual case, and which will enable the constitutional progress of provincial government to be secured by the healthy method of growth rather than by artificial statutory jumps. There must be sufficient precision in the statutory outline for the essential constitutional structure to be clearly defined; but this is perfectly possible without finding in the Statute itself a code of rigid regulations covering every detail in which one province may need slightly different arrangements from another, or in which the same province may need adjustments in detail from time to time.

Nothing is more striking, when one compares the statutory provisions for the provinces of India with, for example, the statutory provisions for the provinces of Canada, than the extent to which in the former case the Act of Parliament and the rules made under it elaborate a detailed scheme, precise in almost every particular, while the British North America Act of 1867 left so much to be implied and to grow. Analogies are particularly dangerous in the case of India, where so many of the governing considerations are unique. We are far from suggesting that the conditions are parallel; but the contrast brings out the point we wish to make.

DIFFICULTIES OF DYARCHY

Of the difficulties of dyarchy the Commissioners say:—

There has been much useful work done under this system, and the criticisms we have felt bound to make where it has failed to produce good results are not at all intended to deny the degree of success which it has sometimes attained. Dyarchy as a training ground has this to its credit, that it has brought home to some who had no previous experience of the task of government the difficulties of administration and the meaning of responsibility. But it seems to us clear that a system which was designed to develop a sense of responsibility has sometimes tended to encourage a wholly different attitude. As long as dyarchy continues, it is inevitable that the elected members of the Legislature should tend to show an exaggerated hostility to the work of the reserved half of the Government, which they may criticize but cannot control. If money is wanted for "nation-building" services, the temptation to blame reserved departments for spending too much is far more attractive than the alternative course of imposing new taxes. And if new taxes were imposed, where is the guarantee that the proceeds would be devoted to the purpose intended?

Relations between Executive Councillors and Ministers are, we believe, intimate and friendly. But rigid dyarchy is a standing challenge which either ranges Ministers against the reserved half of Government or exposes them to the charge of being the subservient tools of the bureaucracy. And all the time the growth of real responsibility (which was the object of the adoption of the system) is being hindered.

UNITARY GOVERNMENTS TO BE ESTABLISHED

The Commissioners propose, therefore, that the "rigid division into reserved and transferred subjects should disappear."

All alike (the Report says) will be in the common category of provincial subjects. The sum total of them will constitute the range of provincial administration. The provincial Cabinet should be unitary—*i.e.*, every member of it should be required and prepared to take responsibility for the whole policy of provincial government. We do not say that in every province all portfolios should be held by Ministers who are elected members of the Provincial Legislature. But there should be no statutory classification of subjects such as would make it legally impossible for a Minister chosen from the elected members to be in charge of any of them. Whether the Governor, when he forms his Cabinet after a General Election, will include in it one or more non-elected persons (who would thereupon become *ex officio* members of the legislative council and ought to be known as Ministers, like their colleagues) is a matter which he will decide, acting under the superintendence and control of the Governor-General. We conceive that there is likely to be some variation in this respect between one

province and another, but such variation will not be due to statutory discrimination but to the working out of the general enacted scheme, under the influences we have described, according to the varying needs and circumstances of the case and the time. But we hold that, whatever be the composition of the body, joint responsibility for all the acts and policies of the Cabinet must be accepted by every member of it, as long as he remains a member. Divided responsibility means blurred responsibility, and if self-government in the provinces is to become a reality, Ministers must take responsibility for unpleasant tasks as well as for popular proposals.

In order to assist them in maintaining their position and in preserving a united front, we think that two changes might be made. First, it should be provided in the constitution that Ministerial salaries are not liable to be reduced or denied by a vote in supply: the existing scale of salaries should be alterable only by a provincial Statute regularly passed through all its stages. Secondly, it should be constitutionally established that the only vote of censure which could be proposed would be one against the Ministry as a whole carried after due notice; the practice that has grown up in some provinces of claiming to censure one Minister without thereby involving his colleagues is destructive of the principle of joint responsibility.

The Commissioners also suggest that it may be worth considering whether, without unduly increasing the sum total of Ministerial salaries, the appointment of certain minor Ministers, or Under-Secretaries in the British sense, will not be desirable.

POWERS OF GOVERNOR

The Report discusses the "vital question" whether the Governor is to be in the position of a strictly "constitutional" Governor, bound to accept in all circumstances the joint advice of his Ministry, or, on the other hand, whether he should have in reserve the theoretically unrestricted powers of overruling them, which he now possesses *vis-à-vis* his Ministers (or the nearly equally unrestricted powers which he possesses of overruling his Executive Council). The Commissioners consider it of great importance that the answer to this question should not be left in doubt. "Constitutionally speaking," they declare, "a middle course must be steered." The Governor should, on the administrative side, be given statutory power to direct that action should be taken otherwise than in accordance with the advice of his Ministry (though subject always to the superintendence, direction and control of the Governor-General) only for certain purposes. Two of these are fundamental to the preservation of the peace and good government of the province.

The Report continues:—

> We are not attempting to settle the draft clause, but we should be disposed to describe these two as matters in which, in the Governor's opinion, he must give such directions:—
>
> (1) In order to preserve the safety and tranquillity of the province; or
>
> (2) In order to prevent serious prejudice to one or more sections of the community as compared with other sections.

There are three other purposes for which the Governor should possess overriding powers, namely:—

> (3) To secure the due fulfilment of any liability of Government in respect of items of expenditure not subject to the vote of the Legislature.
>
> (4) To secure the carrying out of any order received by the Provincial Government from the Government of India or the Secretary of State.
>
> (5) To carry out any duties which may be statutorily imposed on the Governor personally, such as duties in connexion with some service questions and responsibility for backward tracts.

CABINET PROCEDURE

The Commission suggests that minutes of Cabinet meetings should be kept and that posts similar to that of the Secretary of the Cabinet in England should be created. Attention is called to what "almost amounts to a theory of Indian government—the tendency of Ministers to treat their decisions as "matters which in the end come down to a counting of votes on one side or the other." By the English system "not only is a theory of joint responsibility maintained, but the solidarity of the Cabinet is in practice preserved."

> Hitherto (says the Report), a rather different conception of the work of a Governor's advisers when confidentially consulting together seems to have prevailed in India. The change cannot be commanded or prescribed by Statute; it is a change in the spirit in which Government responsibility is undertaken. For the development of responsible self-government in the provinces and the establishment of a healthy relation between the Cabinet and the Legislature, such a change of spirit is exceedingly important.

In dealing with the "Reality of Ministerial responsibility," the Commissioners say:—

> Self-government in the provinces can only become a reality when the Governor does not come in like a *deus ex machina* to which the wheels go round. The principle which we think ought to be insisted upon is that as long as the normal processes of responsible government are being pursued, the responsibility which properly attaches to Government should be jointly borne by those who have the honour and the care of office. We are bound to make the provisions [mentioned above] for the critical cases which may arise when the rights of minorities are put in jeopardy, or the peace and security of the province are put in serious peril, as well as for cases where vital interests not limited to the province are involved. But subject to this, responsibility in the face of the Provincial Legislature should rest where it constitutionally lies, as long as normal constitutional government is being carried on.
>
> Such a view by no means involves the consequence that in the future the burden resting on the shoulders of a Governor will be lightened. On the contrary, the chief anxiety which we feel about the scheme we have expounded as a whole is that for its proper working, for a long time to come, it will be necessary to secure for the post of Governor a succession of men endowed with all the qualities of tact, judgment, sympathy, and courage which have so often distinguished holders of this high office.

LAW AND ORDER

In discussing the problem of law and order the Commissioners admit that the proposal that Police should cease to be a reserved subject is a "focus of controversy." It would be a great injustice to dismiss as "mere bureaucratic prejudice" the view of the many experienced administrators who—as well as important bodies of non-official opinion—hesitate to give their support to the proposal. The Commissioners therefore state "with fullness and candour" the reasons which have led so many men with experience of India to advise against the step. The Report goes on:—

> A police service exists for the purpose of promoting justice and of preserving order. The first essential of justice is that its agents should act impartially. The primary test of any organization for preserving order is that it should be able to stand the strain of a crisis. As regards impartiality, no reflection is necessarily involved on the character of any individual, but the difficulty is that an Indian Minister of Police is almost of necessity a member of one or other of the great religious communities whose mutual reactions lie at the root of the Indian problem. Up to the present, the influence of communal feeling inside the rank and file of the Police Force is strikingly absent.
>
> There is indeed, by almost universal admission, a great deal of corruption in the lower ranks, as there is in similar grades of other branches of Indian administration, but there is good reason to believe that the action of the ordinary policeman is not at present influenced by his own communal feeling.
>
> Now there is an almost universal consensus of opinion among the police chiefs in India that this impartiality of action is due, not only to the training and discipline of the Force, but to the ordinary policeman's knowledge that he will be supported in the due discharge of his duty and will not be sacrificed to clamour or intrigue. Their fear, therefore, is that an Indian Minister, highly susceptible as he is bound to be to criticism and exposed to political pressure, especially from his own community and his own friends, may not be able to supply the condition upon which impartial police action depends.
>
> The effect of transfer upon police administration must also be considered from the point of view of the ordinary citizen. The question, therefore, arises whether the confidence of the ordinary public in India in the impartiality of police administration may not be seriously affected by placing its control in the hands of an Indian Minister. Next there is the question of the preservation of order, which often calls for "prompt decision in embarrassing circumstances." At present it is the prestige of the security services which is a chief element in preserving order. Deterioration of the Police Force, carried to a point where the loyalty and discipline of even a part of the Force could not be relied upon, might have "sudden and widespread consequences of the gravest kind upon the general peace."

THE OTHER SIDE

Against these arguments the Commissioners set out as follows the arguments which they think should prevail:—

> If Police continues to be a reserved subject, this necessarily means that dyarchy continues. All the criticisms and denunciations to which it is exposed, whether from British or Indian commentators, cannot be met effectively unless the step we propose is taken. Many people might be tempted to suggest that Law and Order should become a central subject, and that Provincial Governments should cease to have any responsibility for it. Close examination has convinced us that the suggestion is impracticable. If the subject of Police were centralized, it would still be necessary for the Central Government to administer it through provincial agents, and the provincial agents would presumably be the Governors. This would set up a strain between the head of the province and the Provincial Legislature which would not conduce to good relations.
>
> Another consequence of centralization would be that police finance would become a subject for the Central Legislature, and would have to be met out of central funds. Moreover, police administration cannot be isolated in this way. The subject of Police does not constitute a department in the same sense in which the subject matter of an education department, or a medical department, or a roads department, may be said to be departmental. Every branch of provincial government is involved; a reasonably efficient police administration is the condition under which all departments may operate; it is the atmosphere without which the departmental activities of the province cannot breathe. We feel sure that we shall be confirmed by experienced official opinion when we lay it down that Law and Order must be a provincial subject, whatever be the degree of supervising control which the Centre may exercise.
>
> We must face the fact that responsible government in the provinces cannot be achieved without this change. An Indian Minister appearing before us made the observation that, if men in his position were not fit to administer this subject, they were not fit to administer anything; and we are bound to say that such an attitude is perfectly natural.
>
> Law and Order is the first interest of every Indian citizen, whether in town or country. The time has come when it ought to be no longer possible to represent, or to misrepresent, the agents of authority who are so faithfully supplying this first need of civilized existence as the minions of an alien bureaucracy. As things are the policeman in his red *pagri*, the village *thana*, and the whole hierarchy of the Force, tend to be regarded as the embodiment of all that the Indian politician criticizes and declaims against. It is not a sufficient answer to say that the declamation is sometimes extravagant, and that the criticism is often irresponsible. The real question is, What is the future which we contemplate when things have got to this point, if the present arrangements for the Police remain unaltered? A continuation of the present situation leads nowhere. It is for these reasons that we have become convinced that the bolder course is also the wiser course, and that, while making available the experience and guidance which will be needed, and preserving the safeguards which common sense dictates, we should provide that the department of Law and Order is to be no exception to the general rule of provincial responsibility.

STATE OF EMERGENCY

In a later paragraph the Commissioners discuss "an eventuality for which we feel bound to recommend that express statutory provision should be made." They say:—

> Experience in the past has shown that, however carefully a provincial constitution may be framed, a breakdown may occur through such causes as complete inability to form or maintain in office any Ministry enjoying support from the Legislature. A situation equally grave would arise if there was widespread refusal to work the normal constitution of the province, or general adoption of a policy which aimed at bringing government to a standstill. . . . If such an emergency were to arise, it is essential that the King's Government should none the less be carried on. The insertion into the constitution of provisions to secure this is no denial of self-government; it is an ultimate resource if self-government is repudiated. We accordingly recommend that the Governor (subject, as in other matters, to the superintendence, direction, and control of the Governor-General) should be given statutory powers to declare that a state of affairs has arisen under which the government of the province cannot be carried on in accordance with the provisions of the Statute, and, thereupon there should vest in the Governor all the powers normally possessed by the Governor and his Cabinet, with the right to appoint any persons to assist him and to delegate powers to them, and the right to nominate any such persons as members of the Legislature. The Governor would have further powers to restore rejected demands for grants, and to certify legislation if in his opinion it is essential for any interest in the province.
>
> It should be provided that the reasons for declaring that such a state of affairs exists should be reported at once to Parliament, and that these special powers should not remain in operation for more than 12 months without the approval of Parliament expressed by resolution of both Houses.

LARGER COUNCILS PROPOSED

In their description of the changes which they consider desirable in the Provincial Legislatures, the Commissioners say it is of great importance that such changes as are made should be made in such a way as will not require constant revision hereafter, and, above all, will not necessitate the fixing in advance of some future date for a further inquiry. They dissent altogether from the suggestion made in the Montagu-Chelmsford Report that after the Statutory Commission has finished its work further inquiries into the working of the Indian constitution should be fixed to take place at intervals of 12 years. What is now needed, they say, is a remodelling of the provincial constitution on lines which will give it a reasonable chance of natural and healthy growth without threatening it in advance by a further inquiry. The Commissioners add:—

> It therefore will be a matter of great importance to determine how much of the new provincial scheme is inserted, in precise and statutory terms, in the sections of an Act of Parliament; how much of it is more appropriately embodied in statutory rules which are capable, under proper safeguards and limitations, of revision from time to time; and how much of it should be expressed or deduced from the Instrument of Instructions to Governors or evolved in the course of constitutional working.

It is proposed that, in place of the existing maximum term of three years, the normal statutory life of Provincial Legislatures should be five years. The Commissioners are definitely of opinion that, generally speaking, the size of the present Legislative Councils is too small. It is hoped that the result of any redistribution which is decided upon will be to reduce the average size of the Governors' provinces, but meantime the Commission has to deal with things as they are. It is suggested that an immediate increase in the number of members, in the case of the more important provinces, to a "figure of between 200 and 250 might be sufficient for the present."

SEPARATE REPRESENTATION

Of the "highly controversial and most important subject of communal representation," the Report says:—

> On the one hand, communal representation—the provision by law that a particular religious community shall be represented in a popular Legislature solely by members of its own body, with a guarantee as to how many communal seats there shall be—is an undoubted obstacle in the way of the growth of a sense of common citizenship. It is open to all the objections formulated in the Montagu-Chelmsford Report. On the other hand, we are now faced, as the authors of the Montagu-Chelmsford Report were faced, by the indisputable fact that the Mohamedan community as a whole is not prepared to give up communal representation and would regard its abolition, without the assent of that community, not only as the withdrawal of a security which it prizes but as a cancelling of assurances upon which it has relied. Whatever view may be taken of the Mohamedan objection, the fact itself cannot be disputed, and it is one of the greatest possible gravity for all who are engaged in considering the constitutional future of British India.

Communal representation is a "very thorny question," and one "as to which there cannot be said to be anything approaching agreement in India to-day." The subject is pre-eminently one which the rival communities should settle among themselves. But, in the absence of a new agreement between Hindus and Mohamedans, the Commissioners are "unanimous in holding that communal representation for the Mohamedans of a province must be continued, and that Mohamedan voters could not be deprived of this special protection until a substantial majority of Mohamedan representatives in the Provincial Legislature declared themselves in favour of the change." Later the Commissioners say:—"But no third party, however friendly and disinterested, can do what the two communities might cooperate in doing for themselves by mutual agreement. In the absence of such agreement, we are compelled to assume, in reference to this matter, a continuance of separate communal electorates." So long as Mohamedans have separate electorates in the provinces, "it is impossible to deny to the Sikhs of the Punjab similar treatment, if this is what they desire."

The Commissioners consider that there is no need to continue to reserve seats for non-Brahmins in the Madras Presidency and they "incline to the opinion" that the time has not yet come for the abolition of "reserved" seats for Mahrattas in Bombay.

THE DEPRESSED CLASSES

In Volume I. of their Report the Commissioners described the untouchables and their disabilities and gave an estimate of their numbers in each province. Up to the present the representation of the depressed classes has been secured by the method of nomination.

> Individuals belonging to the depressed classes are not, of course (the Report explains), debarred from voting in a "general non-Mohamedan" constituency if they are qualified to be electors, but the minimum property qualification is enjoyed by a very small proportion of them. In Madras it is estimated that there are about 56,800 depressed class electors out of a total of 1,270,000 non-Mohamedan voters, or out of a total of 1,365,000 voters in all general constituencies—namely, 4.5 per cent. or 4.1 per cent. respectively. Yet the depressed classes form about 17 per cent. of the non-Mohamedan population of the province, or 15½ per cent. of the total population.

These and other figures lead the Commission to the conclusion that even with a considerable lowering of the franchise there would be "no hope of the depressed classes getting their own representatives elected in general constituencies without special provision being made to secure it."

The question whether the "depressed classes" should have separate electorates is discussed. The Commission decides against such a method of treatment. A separate electorate would mean a precise definition of all who are covered by the term, thus stigmatizing each voter in the list, and would militate against the rise of those who are "depressed" to a higher level.

As a solution the Commission proposes that there should be some reservation of seats for the depressed classes. The number of seats to be reserved for depressed class candidates in non-Mohamedan constituencies should be settled on the following principle: the proportion of the number of such reserved seats to the total number of seats in all the Indian general constituencies should be three-quarters of the proportion of the "depressed class" population to the total population of the electoral area of the province.

OTHER SPECIAL CASES

Suggestions are put forward regarding the representation of other special classes and interests—Europeans, Anglo-Indians, Indian Christians, universities, commerce and planting, labour, &c. European representation, the Report says, must continue to be secured by means of separate electorates. The Commissioners say they have made careful inquiries with a view to making adequate arrangements for the representation of labour employed in large-scale industry in various parts of India, but no ready-made solution is available. The best suggestion they can make is that in every province the Governor should have the duty of drawing up rules for securing labour representation. The Commission expresses an opinion in favour not only of maintaining but increasing labour representation if suitable members are available.

One of the Commissioners (Major Attlee) considers that there should be no special representation for particular interests whether commercial or labour. He thinks that the former should obtain adequate representation through the general constituencies and believes that the introduction of adult suffrage in certain specific areas such as the Presidency towns and other industrial areas is already practicable and would enable the wage earners to influence through their votes the return of members favourable to their interests. Instead of preserving special seats for European commerce, planting and mining interests, he would suitably increase the number of seats representing Europeans generally.

The Commission proposes that the official *bloc* should not be retained. It points out that the presence of the official *bloc* militates against real responsibility being shouldered by the Legislatures, and that reliance on the vote of the official *bloc* weakens the tie between Ministers and the Legislatures.

Special provision has been made to secure that the great landholders should not be excluded from the councils or swamped by the larger number of voters of another class, but they have in fact succeeded in being returned for four times as many seats as were specially reserved for them. The Commissioners therefore consider that the special protection now furnished them may safely be withdrawn, but that, if candidates of this class are not found to be returned to a Provincial Council in a proportion as great as that now guaranteed to them, the Governor should have a discretion to add by nomination further members of this class, so long as the total of such elected and nominated members taken together does not exceed the proportion of the whole council now guaranteed to them.

WOMEN MEMBERS

Although in seven provinces out of nine it is possible for women to be members of the Councils, and several women have, in fact, been made members by nomination, no woman candidate, so far as the Commission knows, has ever been elected. The Report discusses various methods of facilitating the inclusion of women in the Provincial Councils. The Commissioners are opposed to the method of stipulating by Statute or statutory rule that a certain number of seats in each Council must be held by women. It is equally impracticable and undesirable, in their view, to propose that a certain number of seats should be "reserved" for women. They consider that the proper course is to leave to women candidates a fair field and no favour. The only provision which the Commissioners think should be made to encourage the presence of women in the Provincial Legislatures is to provide by statutory rule or otherwise that the Governor, in exercising his powers of nomination, should have special regard to the extent to which women have been returned as members from general constituencies with a view to supplementing their number if he thinks this should be done.

CONSTITUTIONAL REVISION

At present the Provincial Legislatures have practically no power to amend their own constitution, and the Commissioners think it is highly desirable to increase their functions under proper safeguards, so that they may become, "within a certain range, bodies which can modify their exact structure." Most of the Legislatures in the British Empire have this quality. They are not only "legislative bodies," but are also "constituent" bodies. "Unless some latitude is provided so that, within a given framework, adjustments are possible, there has to be constant investigation by some outside authority to ascertain whether modifications are asked for and are desirable in themselves, or else the legislative machine has to go on working under the handicap of faults of structure which experience makes manifest." Accordingly, the Commissioners say:—

> We propose that, after a lapse of 10 years, it should be within the power of a Provincial Legislature to carry a "Constitutional Resolution" providing for either (*a*) changes in the number, distribution or boundaries of constituencies, or in the number of members returned by them, (*b*) changes

in the franchise or in the method of election, or (c) changes in the method of representation of particular communities. If the Resolution is one the enforcement of which is calculated to prejudice the rights of any community in respect of its existing communal or separate representation, the Resolution would have no effect unless it was supported both by two-thirds of the votes of the Legislature and (as part of this majority) by two-thirds of the members representing the community affected. The Governor would decide whether this condition is satisfied. If a "Constitutional Resolution" were passed with this amount of support, it would be transmitted to the Governor. If the Governor was prepared to certify that this Resolution in his opinion reflected the general opinion of the province and of any community specially affected, his Government would prepare a scheme for transmission to the Governor-General, with a view to the decision being taken as to the framing of new electoral rules embodying the changes proposed.

Provision is made for powers for the Governor corresponding in the field of legislation to those he may exercise in executive action. As regards finance, the distinction between non-voted and voted heads will continue. The former will, as now, be authorized by the decision of the Provincial Government. As regards the latter, the principle to be applied is that the power of restoring rejected grants would extend to all cases which correspond to the range of the Governor's overriding powers in the field of executive action. The Commission points out that it is of the essence of its scheme that, alike in the executive, the legislative, and the financial sphere, there should remain in reserve adequate powers to be employed in the event of the normal constitution failing to function.

THE FRANCHISE

About 2.8 per cent. of the population of the areas returning members to the Provincial Councils were registered as voters at the last General Election. The present franchise, in the view of the Commission, is too limited in its scope to provide the material from which to build any adequate scheme of representative government. Its only justification is that it was a beginning, and that, in spite of the mandate that a "broad" franchise should be aimed at, illiteracy and the restricted supply of competent persons to conduct the elections compelled the adoption of limits producing this result. The Commission holds that there should now be such extension of the franchise as is "reasonably practicable," and that provision should now be made with a view to yet greater extension after a further interval. The Report says:—

There is much difference of opinion in India as to the practicability of extending the existing franchise, and as to the degree of change which is now desirable if it is practicable. . . . The Nehru constitution provided for adult suffrage forthwith—which would mean placing over 100 millions of names on the register in place of the 6½ millions now enfranchised. As an ultimate objective this may be reached, but its immediate adoption appears to be quite impracticable. Apart altogether from the question of whether it would be advisable at once to enfranchise so huge a population, both men and women, most of whom are entirely illiterate, the practical difficulties presented by such a proposal are so great as to appear insuperable. No adequate machinery exists for effectively dealing with such huge numbers.

Further extensions of the franchise beyond what the Commission now proposes should, as far as possible, be provided for, the Report says, and it goes on:—

Our proposal is that a new Franchise Committee, or other suitable body under an impartial and experienced chairman, should be set up with instructions to frame schemes which would enfranchise about 10 per cent. of the total population.

This would more than treble the present number of voters and would make an electorate of about 20 per cent. of the adult population. The Franchise Committee would be directed to consult the Provincial Governments before determining what modifications in voting qualifications should be made for this purpose, and would be required, in drawing up its schemes, to have due regard to the respective claims of rural and urban areas, and to the rights of women as well as men. Another instruction to the Franchise Committee would be to devise such qualifications as would secure, as far as possible, the same proportion of voters to population in different communities.

The importance of lowering the property qualification, if justice is to be done as between different classes and creeds, is pointed out. Attention is called to the disadvantageous position under the present system of Mohamedans and the "depressed classes" because of their poverty, and it is pointed out that with a lowering of the franchise these classes will not only secure more votes in the aggregate, but their voting ratio will more nearly approximate to their population ratio.

WOMEN VOTERS

"We desire to see a substantial increase in the present ratio of women to men voters," the Commissioners declare. At present Indian women are enfranchised on the same terms as men, but this enfranchisement produces very few women voters.

Some qualification other than the present one is needed (the Report says), and it is very difficult to suggest the most satisfactory method. It may perhaps be found possible to add to the present qualification two others, namely:—(1) Being the wife, over 25 years of age, of a man who has a property qualification to vote; and (2) being a widow over that age whose husband at the time of his death was so qualified. In addition, the educational qualification should apply to women over 21 as well as to men. Many will be disposed to say that Indian wives and widows are so largely uneducated or living in seclusion that their enfranchisement to this extent is premature and extravagant. We do not think so. The beginning of a movement among certain Indian women, however comparatively few in number they may yet be, to grapple with problems which specially affect home and health and children, is one of the most encouraging signs of Indian progress, and we believe that this movement would be strengthened by increasing the influence of women at elections. Some general idea of the proportion of female to male voters which would probably be attained under the above suggestion may be gathered from the fact, deduced from the census, that married women over 25 are about one-half of the number of men over 21. We limit our proposal to wives and widows of 25 because, on practical grounds, we are anxious to avoid introducing at this stage too heavy a proportion of women in the electorate.

It is recommended that after 10 years the Provincial Councils should have power, by "constitutional resolution" and under safeguards for minorities, to set in train proposals for extending the franchise, and if education advances and conditions justify the further changes the Commissioners have in mind, they consider that the Councils should do so.

The Commissioners are strongly of opinion that suitable limits should be defined and enforced for election expenses.

SECOND CHAMBERS

After considering the question of Second Chambers in the provinces "with very special care," the Commission has not found it possible to make a unanimous recommendation one way or the other. The Montagu-Chelmsford Report presented the rival sets of arguments and decided at that time against bicameral institutions for the Provinces, but suggested that the question should be further considered by the periodic commission which it proposed. The Commissioners now say that the considerations set forth by the Montagu-Chelmsford Report are those which appeal to them most, whichever view they hold, and they explain:—

Our divergence consists in the different importance we assign to the rival sets of arguments. We have not found any new material during our study of the last 10 years' working of the provincial constitutions, nor do the important modifications which we advise should be made in those constitutions appear to us to introduce any fresh considerations from which any decisive deduction can be drawn as to the need of establishing Second Chambers. We are agreed that the essential functions which a Provincial Second Chamber, if constituted, should be designed to discharge would be two—first, the review of Bills, and, secondly, the endorsing of the Governor's exercise of his special powers. Any further advantages which might follow from the existence of such a body would not be by themselves enough to justify the additional complexity and expense which would certainly be involved.

Opinion in this matter of Second Chambers is divided among the Provincial Governments themselves and among the members of the Committees which sat with the Commission. Five of the Provincial Governments are opposed to the establishment of Second Chambers because the material from which they could be formed does not exist in their provinces. The remaining three Provincial Governments which have put forward constitutional proposals take a different view. Conflicting opinions were also expressed by the Provincial Committees and the Indian Central Committee. The Report proceeds to explain the positive proposal of those of the members of the Commission who recommend the establishment of Second Chambers, and the negative recommendation of other members of the Commission who recommend the retention of a single Chamber. Having set out the arguments of the rival opinions, the Commissioners state that whatever view may be taken as to the expediency and possibility of establishing Second Chambers in the provinces, there is a cognate proposal for securing legislative revision on which they are agreed. They say:—

A piece of machinery which has been suggested for our own Parliament might, we think, be found useful as an adjunct to Provincial Councils. It has been proposed that a small expert body might be constituted to which legislative proposals could be submitted between the Report and third reading stages. This body would be required to report on the final drafting of measures and to call attention to any points of conflict with existing legislative or administrative arrangements. It should have no power to deal with matters of principle, but its work might do much to make clear the real effect of proposed legislation and the administrative considerations to which its passage would give rise.

PART III.

NORTH-WEST FRONTIER PROVINCE

The Commissioners have come to the conclusion that responsibility for the administration of the five districts which constitute the North-West Frontier Province cannot be separated from responsibility for the peace of, and control over, the tribal area beyond. "Only thus," they say, "can the security of the North-West Frontier be effectively maintained.

In making this recommendation the Commissioners are "endorsing the view of the North-West Frontier Enquiry Committee," which was set up in April, 1922, under the chairmanship of Sir Denys Bray. The "doctrine of inseparability" was stated "clearly and beyond possibility of successful challenge" in the Bray Committee's Report. The conclusion reached by the majority of the Committee (that is, by all except the two Hindu members) and forced on them "by the sheer process of reasoning" was that "in existing conditions, it is not merely inexpedient, for all practical purposes it is impossible, to separate the districts and tracts."

The Commissioners entirely share the view of the Bray Committee that provision ought now to be made for the constitutional advance of the North-West Frontier Province, but they also agree that the situation of the province and its intimate relation with the problems of Indian defence are such that special arrangements are required. It is not possible to "apply to it automatically proposals which may be suited for provincial areas in other parts of India." It is proposed that steps should be taken without delay to "frame and carry into effect proposals for the constitutional advance of the North-West Frontier Province by setting up suitable representative institutions." Broad principles of policy, however, forbid the Commissioners to recommend the establishment of the same measure of responsible government in the North-West Frontier Province as they have proposed for the Governors' provinces. "The inherent right of a man to smoke a cigarette," they say, "must necessarily be curtailed if he lives in a powder magazine."

The Commissioners recommend that there should be in the North-West Frontier Province a Legislative Council "consisting of some 40 persons with powers of legislation, interpellation, and discussion of resolutions and with the power of imposing certain taxes and voting supplies in respect of those services which are maintained out of provincial revenues; but executive responsibilities should, as at present, rest with the Chief Commissioner." The Council should consist of an elected and a nominated element in about equal proportions, the nominated element being selected by the Chief Commissioner. Due provision should be made for the representation of minorities, including Hindus and Sikhs. It is suggested that rules might be made by the Governor-General in Council determining the range of legislative power of the Council.

Law and Order in this area so closely approaches the character of an All-India subject that the new body could not begin by having power to deal with it, and the Commissioners also think that Land Revenue should be excluded from its purview. Provision is made for confirming and strengthening the representation of the Province in the Central Legislature.

These recommendations "represent an important advance." For the first time the North-West Frontier Province will have its own Legislature containing elected representatives, and it will also, for the first time, be guaranteed full representation in the Central Legislature, and will have a voice in determining to what extent duties shall be imposed to feed the Provincial Fund in which the North-West Frontier Province no less than the Governors' provinces will share.

BALUCHISTAN

With regard to Baluchistan the Report states that the customary law and method of government associated with Jirgas could not be supplanted without gravely disturbing local sentiment and removing an effective and suitable means of consulting local opinion. It is proposed that British Baluchistan should have some representation in the Central Legislature, but the Commissioners are confident that there is no ground for recommending a change at this stage in the government of the province.

In a chapter dealing with the Backward Tracts the Commissioners say that only if responsibility for the backward tracts is entrusted to the Centre does it appear likely that it will be adequately discharged. It is suggested that they should be known in future not as "backward tracts" but as "excluded areas." The state of development reached by the inhabitants of these areas prevents the possibility of applying methods of representation adopted elsewhere. They do not ask for self-determination, but for security of land tenure, freedom in the pursuit of their traditional methods of livelihood, and the reasonable exercise of their ancestral customs. Their contentment does not depend so much on rapid political advance as on experienced and sympathetic handling, and on protection from economic subjugation by their neighbours. The principal duty of the administration is to educate these peoples to stand on their own feet, and this is a process which has scarcely begun. The Report provides for the revision of the systems of administration of the backward tracts, and such parts of them as remain excluded areas will come under the charge of the Central Government.

PART IV.

THE CENTRE

Part IV. is divided into chapters which deal with the Central Legislature, the Governor-General in Council, the influence of the Central Legislature on executive action and policy, relations between the Centre and the provinces, and the authority of Government.

It is proposed that, in place of the present Legislative Assembly, there should be constituted a new body, which the Commission would call the "Federal Assembly," the members of which would not be directly elected by constituencies of voters, but would be mainly chosen by the Provincial Councils themselves. The parts of British India which cannot be included within the areas covered by the Provincial Councils would also be represented in the Federal Assembly. The Report says:—

A Provincial Council would select those whom the province sends to the Federal Assembly by the method of proportional representation—a mode of voting which is quite familiar to Indian legislators, and which is employed with success and to general satisfaction in choosing committees from among their number. The Provincial Councils, however, would not be limited in their choice of representatives to serve at the Centre to members of their own body, though such members would be eligible. Anyone, man or woman, who was on the electoral roll for the province, might stand for election as a member of the Federal Assembly representing that province. If a candidate so returned was already a member of the Provincial Council, he would not be disqualified from continuing to serve as such, if he was prepared to discharge the double duty, though his declared views on this matter might, of course, affect his chances of being chosen. The allowances provided for members of the Federal Assembly representing provinces would be charged on provincial funds, and would be non-votable. The election of the provincial contingent would be the first business of every new Provincial Council as soon as it had assembled and chosen its President.

The Federal Assembly would have a fixed life of five years. This corresponds to the maximum length of life proposed for the Provincial Councils.

THE TRANSFERABLE VOTE

In explaining the reasons which have led them to propose indirect election by the newly chosen members of the Provincial Councils and the use of the single transferable vote as the means of such an election, the Commissioners say:—

First, as to indirect election. In our first volume, when describing the mode of composition of the Legislative Assembly, we have given illustrations to show the unwieldy and indeed extraordinary size of many of the existing constituencies returning members to it. Even if the membership of the Assembly were increased to the maximum size compatible with its function as a deliberative and debating chamber, the average area and population to be represented by a single member would remain far too large for effective responsibility to constituents, and extension of the franchise would only intensify the difficulty. Assuming an Assembly of 460 elected members—a number which we consider too large for effective work under Indian conditions—each member would represent 500,000 people. A comparable unit would be the whole geographical county of Norfolk. Those who are familiar with the difficulty of getting in touch with the electorate in a constituency in Britain, where population is predominantly urban and communications highly developed, will appreciate the unreality involved in the creation of such a unit of representation for India. But the comparison just made assumes single-member constituencies and leaves out of account the added complication of communal representation, whether by way of separate electorates (which involve overlapping areas) or of reserved seats (which involve plural member constituencies). Either of these alternatives means that many constituencies must include three or four times the population and area referred to—some of them must be larger still where minorities are scattered thinly. The would-be member might well have to carry on his electoral campaign over an area as large as Scotland and have to seek his constituents among a population equal to that of Wales. Moreover, only a very limited number of places in the area will be reached by railway; most villages will be approached by no metalled road; and the electors will, for the most part, be unable to take advantage of the printed word.

Representative institutions were devised as a means of getting over the difficulty created by the expanding size of states, and it appears to us to be in strict accordance both with the theory of representation and with the requirements of common sense to say that, when the total area to be provided for is so huge that direct election would involve either impossibly large constituencies or an impossibly numerous Assembly, the solution is to be found through "Election by the Elected"—which is all that indirect election means.

CENTRE AND PROVINCES

If, therefore, the argument turned solely upon mechanical convenience, the case for constituting the Central Legislature of British India by indirect election would be a strong one. But, as we have shown in Part I. of this volume, the argument is by no means so limited. If the Central Government of British India is to develop on federal lines, the adoption of a method which will represent the provinces as such at the Centre is extremely desirable. If the hope of seeing the Indian States included, by their own choice, in such a federal union is ever to be realized, some such method of representing the units of federation in a central body, without dividing each of them up into a series of constituencies for central purposes, seems almost essential. Another point to which we attach importance is the establishment of a closer nexus between the member of the Federal Assembly and the Provincial Council.

Moreover, the report of the Financial Assessor has satisfied the Commissioners that the proposed method of representing the provinces at the Centre will greatly facilitate a plan for making available further sources of revenue for provincial purposes.

The Commissioners attach "very great importance" to the second feature of their proposal, the use by the Provincial Councils of the method of proportional representation in selecting members for the Federal Assembly.

By this means (they say), while securing adequate protection for all important minorities, we are able to get rid of specific provisions for separate communal representation in the Assembly. Take, for example, the Mohamedans. We have already said that, in the absence of agreement between the two major communities, separate representation for Moslems in the Provincial Councils must continue and an adequate number of provincial seats must be guaranteed to them. It will, therefore, be open to the Mohamedan members of each Provincial Council to secure that a proper proportion of Moslems is returned to represent the province in the Federal Assembly. The same opportunity will be available for the Sikhs in the Punjab, for the depressed classes, and, of course, for the caste Hindus or for any substantial section of them. Whenever a body of distinct opinion is represented in a Provincial Council in sufficient numbers to produce a "quota," it can make certain that a member satisfactory to that body will be returned to the Federal Assembly. At the same time the communal complexion of the provincial delegation is not absolutely fixed, for it is one of the advantages of the system of proportional representation that there are marginal seats the occupants of which are likely to be returned by the votes of members of more than one community. On the other hand, if, as we hope, communal rivalries become assuaged, the system is equally available for the return of members to the Assembly on a more general view of their merits and without seeking to preserve a precise ratio of communal distribution.

SIZE OF FEDERAL ASSEMBLY

The Commission recommends that the number of members in the Federal Assembly should be between 250 and 280. In the present Assembly there are 145 members. The number now recommended would give approximately one member per million inhabitants.

This proportion (the report adds) would, of course, be absurd if the members were to be elected directly, and even if it were to be doubled the constituencies would still be much too large for effective representation by that method. There are, however, strong reasons for not making the Federal Assembly too big. It may be asked why India should be restricted to two or three hundred members when the British Parliament has to-day over six hundred and in the past has contained over seven hundred. Apart from the fact that most experienced Parliamentarians would agree that the numbers of the British Parliament are so high as to hamper its effective working, it must be remembered that the range of subjects of which the Federal Assembly will have cognizance is very much smaller than that which engages the attention of the House of Commons. The work which has to be done at Westminster is in India divided between the Federal Assembly and the Provincial Councils. Too large a body at the Centre would mean either that effective work would be impossible owing to prolonged debate or that a large proportion of members would have little to do but to pass through the division lobbies. Practical reasons, namely, the increased cost and extended accommodation that would be involved, add weight on the same side. There is a further point. We hope that in due course the Indian States will be represented in the Federal Assembly, in which event it may be expected that the numbers might ultimately grow to between three and four hundred. Finally, an unduly large body at the Centre might tend to deplete the Provincial Councils of experienced public men, or might result in a lower standard of ability in the Federal Assembly.

COMPOSITION OF ASSEMBLY

The adoption of a population basis for fixing the number of seats to be allotted to each province is recommended. In addition to the

MAP to illustrate INDIAN POLITICAL BOUNDARIES

REFERENCE
Indian States
Agencies & Tribal Areas .. shown thus ---
Miles 0 50 100 200 300

AFGHANISTAN
HINDU KUSH RANGE
SINKIANG
Karakoram Range
TIBET
KABUL
Jalalabad
Chitral
Gilgit
PROV.
Peshawar
KASHMIR
SRINAGAR
Leh
Rawal Pindi & JAMMU
Ghazni
Kohat
Wana
Jhelum
JAMMU
R. Indus
R. Jhelum
R. Chenab
Dera Ismail Khan
N.W. FRONTIER
Chaman
Pishin
Quetta
Sandeman
Hindubagh
Dera Ghazi Khan
LAHORE
Amritsar
Ferozepore
R. Ravi
R. Sutlej
SIMLA
Multan
Patiala
PUNJAB
BALUCHISTAN
R. INDUS
Bahawalpur
BAHAWALPUR
DELHI
LHASA
Brahmaputra R.
Tsangpo or
SUKKUR
Desert
Bikaner
BARELLY
R. Ganges
R. Jumna
AGRA
LUCKNOW
R. Gogra
Mt. EVEREST
Mt. KANCHENJUNGA
SIKKIM
BHUTAN
Darjeeling
Cooch Behar
R. Brahmaputra
ASSAM
Hills
SHILLONG
KHAIRPUR
Jaipur
RAJPUTANA
Jodhpur
AJMER MERAWA
Ajmer
Cawnpore
GWALIOR
BENARES
PATNA
R. Ganges
Sind
Hyderabad
KARACHI
Udaipur
BUNDELKHAND
ALLAHABAD
R. Sone
Gaya
Murshidabad
BIHAR
BENGAL
TRIPURA
Dacca
G. RANN or CUTCH
CUTCH
INDIA
CENTRAL
Bhopal
Ranchi
AND
Howrah
CALCUTTA
Chittagong
Ahmedabad
INDORE
Bilaspur
STATES OF WESTERN INDIA
GUJARAT
BARODA
KATHIAWAR
R. Narbada
CENTRAL
Raipur
ORISSA
Balasore
R. Hooghly
Mouths of the Ganges
Calcutta to Rangoon 787 m.
Surat
G. of CAMBAY
NAGPUR PROVS
BERAR
Daman (Port)
Cuttack
R. Godavari
R. Indravati
BASTAR
BOMBAY
Poona
London 6260 miles
HYDERABAD
Vizianagram
Vizagapatam
HYDERABAD
ARABIAN SEA
Raichur
Guntur
Masulipatam
R. Krishna
Belgaum
R. Tungabhadra
Marmagao Harb (Port)
Bellary
R. Penner
Nellore
BAY OF BENGAL
Madras to Rangoon 1020 m.
MYSORE
Bangalore
MADRAS
Mangalore
MYSORE
Salem
Pondicherry (Fr.)
Cuddalore
Mahe (Fr.)
Calicut
Coimbatore
Malabar Coast
Laccadive Islands
Trichinopoly
Cochin
TRAVANCORE
Madura
Palk Str.
Jaffna
Elephant Pass
Quilon
Tuticorin
Trincomalee
Trivandrum
C. Comorin
G. of Manar
CEYLON
Batticaloa
Kandy
Colombo
Galle
Hambantota

TIBET
Sadiya
Dibrugarh
Makum
Rangiya
R. Brahmaputra
ASSAM
NAGA HILLS
PATKAI HILLS
HUKAWANG VALLEY
R. Mekong
SHILLONG
Sylhet
Kohima
Mogaung
Myitkyina
Imphal (Manipur)
Naba
Bhamo
Kanbalu
Mogok
Lashio
Hsipaw
Chittagong
Monywa
Sagaing
MANDALAY
SHAN STATES
Myingyan
BURMA
Thazi
Salween R.
Akyab
Minbu
Pyinmana
Prome
Toungoo
BAY OF BENGAL
Pegu
Bassein
RANGOON
Martaban
Moulmein
G. OF MARTABAN
Tavoy
Mergui
Andaman I.
BURMA with part of Assam & Bengal
To smaller Scale.
MILES: 0 50 100 150 200

(1569)

members representing the Governors' provinces, the minor provinces and the excluded areas, there will be an official element. Members of the Governor-General's Council will be *ex officio* members, and the Commission considers that the Governor-General should have power to nominate not more than 12 other officials, chosen because of their connexion with the departments of the Central Government, in order that the point of view and experience of the Administration may be adequately represented.

The Commission works out in detail the probable distribution of seats among the different communities in the Federal Assembly, and shows that, with the exception of the Indian Christians and Anglo-Indians, all minorities will have adequate representation. It is proposed that the Anglo-Indians should have two seats secured to them by nomination if they fail to secure them by election. The Mohamedan representation will almost exactly correspond to the community's proportion in the present Legislative Assembly.

THE COUNCIL OF STATE

There are weighty reasons, according to the Commission, for retaining the Council of State as an integral part of the Central Government, and it is therefore proposed that the Council should continue with its existing powers as a body of elected and nominated members chosen in the same proportions as at present. The Report says:—

It [the Council] contains members of experience and distinction who have made valuable contributions to the discussion of public affairs. The Council of State has been a steadying influence during a difficult transitional period. We are also impressed by the fact that no demand for its abolition has been brought to our notice. In the stage upon which India is now entering she will need all her resources of statesmanship and experience. There is much to be said against abolishing on purely theoretical grounds a piece of constitutional machinery which has worked well at a time when great changes are being introduced, the effect of which cannot at present be estimated.

In conformity with the general scheme, the Commission thinks that seats in the Council of State should be allotted to federal units. Each of the Governors' provinces should be represented by three members chosen by indirect election carried out by provincial Second Chambers if such bodies are constituted, or, failing this, by the Provincial Councils. Three seats should be allocated to the minor provinces; and in each of the cities of Madras, Bombay, and Calcutta one member representing British and one representing Indian commerce should be chosen. The Governor-General should have the right to nominate not less than 20 officials. Rules should be made laying down certain qualifications for candidates, directed to securing the possession by them of experience and status. There should be no sex disqualification for membership. Hitherto the Council of State has had a life of five years; it is now proposed that it should have a life of seven years.

THE CENTRAL LEGISLATURE

The existing legislative and financial powers of the two Chambers of the Central Legislature will remain as at present, but additional functions will be performed by the Federal Assembly in the sphere of finance. The Commissioners say that as the future constitution of India develops there will, they conceive, be a gradual alteration in the range of duties to be performed by the Central Legislature. "While the immediate changes are not great, there are future possibilities which may be far-reaching."

Spokesmen of various minorities, religious and racial, have urged that the powers of Indian Legislatures should be so defined in the governing Statute as to exclude the possibility of discriminatory legislation by making it invalid. But there are objections to securing protection by this means and to these the Commission can "find no answer." Safeguards for minorities, which is absolutely necessary, must therefore be provided in other ways.

But the only practical means of providing it (continues the Report) is by the retention of an impartial power residing in the Governor-General and the Governors of provinces for the purpose, and in laying upon them by the terms of their Instruments of Instructions a specific mandate to use this power in all proper cases. In pursuance of this view we have recommended . . . that the Governor should have powers, independently of the views of his Ministry, to prevent legislation which involves serious prejudice to one or more sections of the community as compared with other sections. The Governor-General is armed with a similar power in relation to the Central Legislature. Democratic government, while based on the rule of the majority, depends for its general acceptance on due regard being shown to the interests of minorities, and we are slow to believe that, with the increasing opportunities now opening to the Legislatures of India, it will not be appreciated how greatly progress depends upon satisfying the reasonable claim to equal rights of these minorities whether British or Indian.

A PROVINCIAL FUND

The Commissioners "accept and fully endorse" the general principles of the scheme of the Financial Assessor—set out in Part VIII.—for the division of resources in British India between the Central and Provincial Governments. They are persuaded that the scheme suggested for the constitution of a Provincial Fund offers the "most satisfactory means of ensuring adequate resources to the provinces without infringing their autonomy."

This fund (the Commissioners explain) will be fed by the product of taxes, voted by a Federal Assembly representing provincial units, but collected centrally. Consequently, we propose that in the financial sphere the Federal Assembly should perform a dual function. It should be not only the representative body for the purpose of imposing taxation for the needs of the Central Government, of voting estimates and of controlling expenditure at the Centre, but also a federal instrument for raising the necessary additional funds for the Provincial Governments. One of the reasons which have led us to reconstruct the Central Legislature on a basis of representation of federal units is that a body so formed will be suitably composed for performing this function. The Council of State will, as hitherto, be restricted in regard to finance to passing or rejecting Money Bills relating to central revenues and will have no concern with the Provincial Fund Bill.

The power of initiating measures of taxation for central purposes will, as heretofore, be vested exclusively in the Executive, but all such measures must be passed by the Federal Assembly and also by the Council of State. Both bodies have full power to amend or to reject any such measure, but the present provision would continue that where the Governor-General considers that its passing is essential for the safety, tranquillity or interests of British India or any part thereof, he may certify the measure, which thereupon has all the force of law. As regards the voting of the Estimates, the division between votable and non-votable charges will remain as at present. The Assembly has full power to reject or to make "cuts" in the votable items of expenditure, but the Governor-General in Council has power to restore such demands where he considers they are essential to the discharge of his responsibilities. The Commissioners propose no alteration in this regard.

It is proposed that the legislation necessary for the imposition of taxes assigned to the provinces for the purposes of the Provincial Fund should be passed by the Federal Assembly sitting in special session. The Finance Member of the Central Government would formally introduce the necessary measures. The Report continues:—

But it is of the essence of this plan that the proposals for raising additional taxes should emanate from the provinces. We therefore suggest that there should be an Inter-Provincial Financial Council which would be summoned by the Finance Member and attended by all the Ministers of Finance of those units of federation which would be entitled to draw on the funds.

We propose that the Provincial Fund should be distributed among the units of the Federation, *i.e.*, both provinces and excluded areas, on the basis of population,

THE GOVERNOR-GENERAL IN COUNCIL

DYARCHY IMPOSSIBLE AT THE CENTRE

The Commissioners have recommended the abolition of dyarchy in the provinces because "its continuance is no longer feasible." They say:—

We believe that its further operation would cause distortion of the framework into which it was intended to fit, and that its removal will bring Indian Ministers face to face with the full burden of office, and will give to them, to the Provincial Legislatures, and to the provinces themselves, actual experience of "responsible government" as a whole. So considerable a reconstruction will in itself be regarded by many who are in full sympathy with Indian aspirations as premature and as putting law and order in greater jeopardy. But we hold that the risk ought to be taken, subject to the provision of powers residing in the Governor which will be kept in reserve but will, with support from the Centre, be resolutely used if necessary.

They next consider "what light this throws upon the all-important question of the form which the Central Government should take at the next stage of India's evolution, and they declare:—

It must be a Government which can give to the provinces, in case of need, the support of which we have just spoken. Besides this, it must be a Government able to bear the vast responsibilities which are cast upon it as the central executive organ of a sub-continent presenting the complicated and diverse features which it has been our business to describe.

The Commissioners "lay down without hesitation" the proposition that dyarchy at the Centre, or any system of divided responsibility resembling dyarchy, is "quite impossible." Unity in the Central Executive must be preserved at all costs.

Dyarchy (the Report explains) is a system which aims at assigning the sole responsibility in a certain list of matters to the official side of Government, while Ministers drawn from the ranks of elected members are supposed to concern themselves solely with their own departments. The popular element in the Executive could thus, in theory, stand on one side and watch with detachment the handling of questions with which it was not concerned. But this is not the effect in actual working. It has often been found impossible to isolate one decision from another, with the result that real responsibility becomes blurred. Dyarchy has doubtless provided Provincial Ministers with a very valuable experience in the responsibilities of departmental work and in the art of commending Ministerial policy to private members. But it is one thing to control a branch of administration and to work out a departmental policy; it is quite another thing to cooperate in reaching and carrying out a united decision involving cooperative action in times of crisis.

It would indeed be an astonishing result if, at a time when dyarchy is abandoned in the provinces, the introduction of a similar principle were to be recommended at the Centre. The ultimate creation of responsible government at the Centre cannot be reached by constructing a Central Executive one part of which is not responsible for the other. We regard such a plan as not only unworkable in itself, but as no real advance in the direction of developing central responsibility at all. Appeals have of late sometimes been addressed to the Viceroy in criticism of decisions of the Government of India in terms which would almost seem to suggest that the Governor-General was not a member of his own Government. Of course, the true constitutional position is that every published decision of the Government of India is a decision for which the Governor-General, no less than all his colleagues, takes responsibility. But the situation that would arise if the method of dyarchy were introduced in the Central Executive would destroy this constitutional doctrine in a manner which would not only weaken Government but would put the Viceroy in a situation so embarrassing as to be almost intolerable.

THE GOVERNOR-GENERAL

The Commissioners declare that it is therefore clear that whatever shape the Government of India may hereafter assume, its formation ought to be such as to secure its internal unity. They then turn to the position of the Governor-General and they say:—

A second conclusion on the subject of the Central Executive which can be asserted with confidence is that the Governor-General must continue to be not only the representative of the King-Emperor in all formal and ceremonial matters, but the actual and active head of the Government. We have described in our former volume the range and importance of his present functions, and it appears to us evident that in the next stage of India's constitutional evolution this range will not be narrowed and its importance will not decrease. Indeed, as has already appeared in our chapter on the Provincial Executive, there are cases in which we think responsibility should be placed on his shoulders which is at present constitutionally discharged by the Governor-General in Council. The question of future relations with the Indian States suggests another instance of the same sort. The influence, advice, and direction of the Viceroy for the time being will certainly be needed for many years to come if the constitutional progress of India is to be successfully promoted.

One change which we think should now be made is to place upon the Governor-General himself the responsibility of selecting and appointing the members of his Cabinet. At present, members of the Governor-General's Executive Council are appointed, under the advice of the Secretary of State, by warrant under the Royal Sign Manual, and the Secretary of State, in making his recommendations, is of course largely guided by the Governor-General's advice. But there is a real difference between this situation and the constitutional position which we seek to get established. Under the new plan, the Governor-General would of course remain subject to the superintendence and control of the Secretary of State, but apart from this the choice of colleagues would rest with him in theory, as it now usually does in fact.

THE EXECUTIVE COUNCIL

The Government of India Act enacts that three at least of the members of the Governor-General's Executive Council "must be persons who have been for at least 10 years in the service of the Crown in India." The Commissioners are by no means disposed to suggest that the time has come to dispense with this provision, but they think that it, and any similar directions as to number or qualifications of the Governor-General's Council, should be expressed, not in the Statute itself, but in statutory rules made under the Statute. Such rules would, therefore, be subject to alteration without the necessity of passing a new Government of India Act, though any alteration of rules on this subject must have the approval of both Houses of Parliament expressed by resolution.

It does not seem to us possible (the Commissioners declare) to take the view that Parliament can now surrender all responsibility for future modifications in the structure of the Central Government of India. To suggest that it could do so would be to deny the terms of the Preamble to the Government of India Act, and to forget the conditions included in Mr. Montagu's declaration of August 20, 1917. But this recognition of continued Parliamentary responsibility is a very different thing from insisting that no modification is possible in the future without the cumbrous procedure on each occasion of passing a new Statute through the British Parliament. We desire to reduce the rigidity of the statutory structure because we are convinced that Indian institutions ought to be given room to grow and develop. While, therefore, it is impossible, in our judgment, to provide at this stage as much latitude for change in the central sphere as in the provincial constitution, we propose by the means we have described to provide in the central sphere also opportunities for adjustment while preserving to Parliament the responsibility, which it cannot at present abandon, for future decisions.

THE COMMANDER-IN-CHIEF

The Commander-in-Chief is in practice a Member of the Governor-General's Council, and thus necessarily a member of one or other Chamber of the Indian Legislature, with the right of attending in and addressing the Chamber to which he does not belong. In the view of the Commission the Commander-in-Chief should not be a Member of the Executive Council and should not sit in the Legislature. "His immensely important and onerous duties are better discharged outside it." Questions of defence, so far as they come before the Indian Legislature, should be dealt with by a civilian. The Army Secretary would be available, but on occasions of the first importance the task would appropriately fall upon a new Member of the Viceroy's Executive Council whom the Commissioners would describe as the "Leader of the Federal Assembly."

LEADERSHIP OF THE ASSEMBLY

The Commissioners think it "very desirable that there should be included in the Governor-General's Council a Member, not overburdened with departmental work, whose primary function should be to "lead the House." This duty at present usually falls upon the Home Member, "a heavily burdened permanent official," and the Report says:—

The double burden now cast upon the shoulders of one man is growing intolerably heavy, and we think that the time has come to recognize the changing circumstances and to make special provision to meet them by including in the Viceroy's Council a Member who will perform in the Federal Assembly functions corresponding to those of the Leader of the House, without being at the same time preoccupied with the work of a heavy administrative department. It may be objected that, since the Sessions of the Indian Legislature extend over only a few months in the year, there would be no permanent occupation for the holder of such a post. But we do not agree. The responsibilities which rest all the year round upon the Government of India would be all the better discharged if among the Viceroy's colleagues there was one who was free to take a comprehensive view untrammelled by constant attention to a particular department. It would, we think, fall to him to take supervising responsibility for the more adequate presentment of explanations of Government policy to the peoples of India.

In discussing the distribution of portfolios the Commissioners state:—

The question should be considered whether a portfolio should not be specially created in this connexion, which would be held either by a Member in charge of "excluded areas," or combined with other duties in the hands of an existing Executive Councillor. In the same way, the centralization of the High Courts will require that this subject should be allotted to a member of the Governor-General's Council.

This leads us to make another observation on a matter which has greatly struck us in considering the composition of the Governor-General's Council. As yet no individual elected to the Central Indian Legislature has ever become a Member of Council. There is no constitutional bar against this happening. . . . It would be a hopeful development if, among the men whose personal reputation, character, and experience in public affairs have led to their being chosen as provincial representatives in the Central Legislature, there were found some who would pass from their position as private members to undertake a share of the responsibility for directing the policy of India. The attainment of an authoritative place in the Federal Assembly ought to provide a natural avenue to membership of the Governor-General's Council.

The Governor-General's Executive Council in the next stage of India's constitutional development cannot, in our judgment, be "responsible" to the Indian Legislature in the same sense as a British Cabinet is "responsible" to the British Parliament, though, as we shall show in the next chapter, the influence of the Indian Legislature upon the Executive, which is already considerable, will undoubtedly grow. It has struck us as remarkable that it should be so commonly assumed in India that the development of responsible government must take place on purely British lines. Our first volume has been largely occupied in showing how utterly different are the conditions of India from those out of which this particular form of responsible government has been in the course of centuries evolved in Britain.

Our own view is that, until the provinces of India have established themselves, by the working of unitary Governments, as self-governing units, the ultimate form which the Central Government of India will take cannot be finally determined. The question whether Indian States will contribute to the ultimate process has yet to be answered. Federal Executives do not assume a definite or final shape until the units of federation come naturally together. The utmost, therefore, that can be done now is to reduce, by such methods as we have outlined, the rigidity of the structure of the Central Executive, to make the best possible provision for the introduction of authoritative Indians into the Executive and to recognize that the British system is not the only model and, indeed, that there are many federal systems in the world which differ from the British model because they have been suitably developed according to the needs of their own areas and populations. It would, we are convinced, be a grave mistake to attempt to reconstruct the Central Government of India on the lines we have suggested for the provinces. At any rate, it would be premature to do so now. The ultimate form which the Government of India will take cannot possibly be precisely determined in present circumstances. It must be allowed to grow in the light of the principles we have set out in Part I. of this volume.

INFLUENCE OF CENTRAL LEGISLATURE

The following extracts are taken from a chapter on the "Influence of the Central Legislature on Executive Action and Policy":—

It is necessary to take a long view of the development of Indian self-government. We can understand the impatience of those who press for further immediate advance, but the cause of the delay at the Centre does not lie in anything else but the nature of the problem to be solved. We hope to see all India one day united as a great federation of units, each with a life of its own, and each with political institutions suitable to its needs. But a premature endeavour to introduce forms of responsible government at the Centre before the conditions for its actual practice have emerged would in the end result not in advance, but in retrogression.

In the meantime we have recommended certain preliminary steps. We have proposed to transform the Assembly and the Council of State into bodies representing the provinces; we have rearranged finance with a view to meeting provincial needs; we have introduced such elasticity as we can into the structure of the Central Government; we shall point out how one of the obstacles to constitutional progress might be avoided by putting the Army in India on a new basis; and we have carried the development of self-government in the provinces to the farthest practicable point. With the same object, we are going to suggest some new constitutional machinery which may enable the Indian States to become more closely associated with British India for the purpose of dealing with matters of common concern. We cannot do more, and no scheme that has been presented to us, or that we have had the opportunity of examining, has shown how more could be done.

The British constitution is not a panacea which can be used at all times and in all places. It is not a perfect instrument of democratic government finished and complete. It is a living organism which even to-day is being insensibly modified in accordance with the changing conditions of the times. Its supreme merit is just this adaptability. Many countries have attempted to embody its principles in written instruments, but in the result something entirely different has emerged. A mode of government must in fact be the expression of the political instincts of a people. The British system is not an easy one to imitate, for its success depends on a number of factors which cannot be introduced into the provisions of a Statute. In other countries, where a system of shifting groups obtains, the constitutional position of the Government is in effect quite different from that of the Cabinet in the British system. It will, we think, be some time before it is possible to judge how far it is likely that the party system obtaining in Britain will reproduce itself in the Provincial Legislatures. It may be that a system of groups may be found to be more consonant with Indian ideas. The point which we would stress is that it is on practical considerations such as these that the actual form of responsible government in India must depend.

PRESENT POWER

How great is the power already possessed by the elected representatives in the Central Legislature is not always realized. In the sphere of legislation, not only can Government measures be amended by the Legislature, but if they are to be carried into law by that body, they must commend themselves to the members as intrinsically desirable and reasonable. The Government commands to-day only a fraction of the votes in the Assembly, and our present proposals for the composition of the Federal Assembly will give them an even smaller proportion in that body. Therefore, unless the Governor-General is prepared to resort to his special powers, the Executive cannot force distasteful measures through a reluctant House.

Any student of the course of events at the Centre during the past 10 years will be struck by the fact that it has only been on very few occasions that the Governor-General has had to utilize his special powers of certification. Yet the output of legislation has been considerable and varied. It has dealt with matters affecting great issues. Yet these measures, introduced by a Government which is in a minority in the Legislative Assembly, have been passed into law. It is therefore clear that the legislative programme of the Government must have been framed with a constant regard to the state of opinion in the Legislature.

The British Parliamentary system does not afford to the ordinary member that fruitful contact between elected representative and trained administrator which is so marked a feature of local government. This criticism applies still more

forcibly to the position at the Centre in India. A development of the Committee system is one of the ways suggested whereby this might be effected.

Apart from the control exercised over Governors by the Governor-General, the Commissioners recommend that the superintendence, direction, and control of the Governor-General in Council over a Provincial Government should be exercisable only over a field defined by the following categories:—

(1) Safeguarding of administration of central subjects;
(2) Matters which may, in the opinion of the Governor-General, essentially affect the interests of any other part of India;
(3) Supply of information on any subject;
(4) Raising of loans;
(5) Employment of All-India Services in the province;
(6) Safeguarding of Imperial interests;
(7) Questions arising between India and other parts of the Empire;
(8) Implementing international obligations.

The Secretary of State, in the exercise of his general powers of superintendence, direction, and control of the Governor-General in Council, would, of course, be enabled to issue orders through that authority on provincial questions falling within the field indicated above.

The Commissioners refer to the desirability of cooperation between the Centre and the provinces, and between province and province, in "nation-building" services—agriculture, education, and medical services. The Report mentions the recent institution of the Council of Agricultural Research as an admirable example of the kind of methods which should be adopted. The Commission believes, with its Auxiliary Committee on Education, that it would be very valuable to set up an active Central Bureau of Education, which would give information and advice to the provincial administrations. The Commission is also convinced that the improvement of public health in India, the increase in the supply of trained nurses and doctors, and the reduction of infant and maternal mortality might be materially promoted if there were a wider central organization staffed by competent officials, both men and women, whose business it would be to co-ordinate and encourage the work that is so much needed in these directions.

THE AUTHORITY OF GOVERNMENT

Part IV. concludes with a chapter in which the Commissioners direct attention to "the danger of undermining the authority of all government, and the loss of public confidence which would follow, if no effective steps are taken to make more widely known the explanation of official policy and to counteract the gross misrepresentations of Government action put forward with impunity by those who seek by every means to discredit it." The Government case should not go by default, and citizens should not be "led to believe that the authorities have no answer to criticisms because as a rule they make none which reaches their ears." The Commissioners say:—

In earlier days Government in India could afford very largely to disregard attacks made upon it, because its position was that it took little part in argumentative debate, but issued its edicts, after taking counsel with such non-officials as it consulted, in accordance with its own judgment of what was best to be done.

But now all this is changed. The Government has entered politics. It has to answer its critics on the floor of the House. Yet, although the Government case is given in debate, the absence of any effective publicity prevents its answer reaching the public outside. Those who are only familiar with the interplay of party politics at home may have a difficulty in appreciating that in India the sort of attacks which we are deprecating are not directed against particular items of policy, but amount to the encouragement of an utter disregard of all the necessary rules of order which any civilized Administration must uphold. Our concern is not solely with the position of the powers that be, but with the consequences of this upon the peaceful administration of India in the future. This is a situation which, in the interests of good order and contentment, calls for remedy by any legitimate means. As things are, the most violent and mendacious statements are made with the knowledge that there will be little attempt to rebut them; hard-working and devoted officials, Indian as well as British, have the feeling that they will not be defended; and the public, which has inherited a tradition that Governments should be respected only so far as they exact respect, is misled.

IMPORTANCE OF PUBLICITY

We consider that the Governmental service of information needs to be greatly extended and improved. The need for a fair presentation of policy and facts is not confined to India. The misleading effect on public opinion throughout the world is no less important to be kept in mind. It would be going beyond the scope of the task entrusted to us to attempt to suggest how the law of India on this subject should be framed or applied, but we must put on record our strong conviction that, unless a corrective is forthcoming, the orderly development of Indian institutions is put in jeopardy. The plant of self-government cannot be expected to exhibit healthy growth in an atmosphere so poisoned by misrepresentation.

Broadcasting and the cinema are mentioned as means of publicity, and "more might be done in supplying the reputable news agencies with information."

A Note on means of publicity by Lord Burnham is included in the Report. Lord Burnham refers to the "unceasing attack and vituperation" which the Government of India and all its agents endure in dignified silence," and he suggests:—

(1) That the time has now come when Indian Governments and their principal departments ought to have special bureaux for dealing with the supply of news, at the head of each of which should be a trained journalist, capable of handling "news and matter" in the most efficient way; (2) that some effort should be made to use the cinema for the purpose of expounding and illustrating the activities of the various branches of administration, such, for example, as education and agriculture; (3) that the experiment of setting up a system of loud-speakers in the village meeting-places is "well worth trying"; (4) that some statutory power should exist in British India in order to "afford adequate protection to public officials of all kinds, military and civil, in the discharge of their duties and thus both vindicate the integrity and honour of the public service and, what is still more important, prevent authority itself from being brought into general odium and despite."

PART V.

DEFENCE AND SECURITY

Part V. is entitled "The Constitutional Problem in Relation to the Defence of India." In the North-West India is exposed to a "constant and pressing danger of a magnitude which is quite without parallel in any other part of the Empire." The Commissioners say that the evidence they have heard and what they have seen in the course of their Indian tours leave no doubt in their minds that "at least for a very long time to come it will be impossible for the Army entrusted with the task of defending India to dispense with a very considerable British element, including in that term British troops of all arms, a considerable proportion of the regimental officers of the Indian Army, and the British *personnel* in the higher command."

"The issues involved are too vital, and the practical difficulties too great," the Commissioners consider, "to justify a precipitate embarcation on a wholesale process of substituting Indian for British *personnel* in the Indian Army. The Army in India is the only effective barrier between India and the dangers without her gates. We regard it as beyond question that, having regard to the Indian and Imperial interests involved, to the dangers to be faced, and to the composition of the force, Parliament cannot wash its hands of all responsibility for this Army. Nor do we see how, in that event, British officers and men could be recruited and called on to serve in India." The Report further declares:—

There is, therefore, a dilemma. The declaration of August 20, 1917, stands in its full implication; the British people and the British Parliament have no thought of going back on it; yet here is the difficulty, which appears almost insurmountable, arising from the continued presence of the British element in the Army in India. It is impossible to relinquish control over an Army containing this element to Ministers responsible to any elected Legislature. Such a transfer could only take place when no part of the Army in India consists of British officers or troops recruited by the Imperial Government. When this will come about we cannot say, but we see no prospect of its happening for very many years.

Moreover, to any who are tempted to question this judgment or to regard it as unduly harsh, we would point out a second consideration. At the present moment no Indian holding the King's commission is of higher army rank than a captain—there are, we believe, 39 captains of whom 25 are in ordinary regimental employ. Some of them are of an age which would prevent their attaining much higher rank, even if they passed the necessary examination, before retirement. A Higher Command cannot be evolved at short notice out of the existing cadres of Indian officers, all of junior rank and limited experience.

In the sphere of internal security also the necessity for the presence of British troops, who are the neutral guardians of a peace so frequently assailed in recent years by bitter communal feuds and sectional commotions, raises another difficulty. It appears to the Commission that it would be quite impossible to contemplate the use of British troops to quell civil disturbances at the unrestricted bidding of Ministers popularly elected and answerable to popularly elected Legislatures. Yet another difficulty which cannot be overlooked is that it is impossible for the Crown, upon whom the Indian States rely, to lose control of the instrument by the use of which in case of need the obligations of the Crown towards the States could be discharged.

COST OF THE ARMY

The cost of the Army in India is borne by the Indian taxpayer and paid out of central revenues. It amounts at present to no less than 55 crores of rupees, equal to about £41,000,000 per annum. As the whole Customs revenue of British India amounts to just over 50 crores, it may be said that the receipts from Customs almost pay for the Army. Much discussion arises in India from time to time as to whether it is equitable for India to find so large a sum for this purpose, and this discussion revolves round the question: What is the Army in India really for? The objects for which the Army in India exists, says the Commission, are the defence of India against external aggression and the maintenance of internal order. Its strength is not more than is calculated to be necessary for meeting the emergencies of internal disorder and the possibilities of external attack. The Commission subjects the considerations of cost and frontier defence to close analysis and says the result seems to it to be as follows:—

India and Britain are so related that Indian defence cannot now, or in any future which is within sight, be regarded as a matter of purely Indian concern. The control and direction of such an Army must rest in the hands of agents of the Imperial Government. Now does it necessarily follow from this that further progress towards the realization of responsible government in British India is barred until the work of defence can be adequately discharged without the help of British officers and British troops? As things are, there is a block on the line of constitutional advance. . . . The question is whether there is any other mode of treatment open which would provide adequately for the needs of Indian defence, and at the same time offer an earlier prospect for some further constitutional advance at the Centre. It seems to us that the only possible method would be to recognize that the protection of the frontiers of India, at any rate for a long time to come, should not be regarded as a function of an Indian Government in relation with an Indian Legislature, but as a matter of supreme concern to the whole Empire which can only be effectively organized and controlled by an Imperial agency.

CONDITIONS OF SETTLEMENT

A solution based on this principle would probably have to be brought about by a definite agreement between India and Great Britain acting on behalf of the Empire. Many points would have to be settled, and we can only indicate the general lines that might be found to be practical. Such a scheme assumes that the forces composing the existing Army in India would no longer be under the control of the Government of India, but would be under an Imperial authority which would naturally be the Viceroy acting in concert with the Commander-in-Chief. It would involve an undertaking by the Imperial authorities of the obligations of Indian defence in return for the continued provision of definite facilities as to recruitment, areas, transport, and other matters. And, of course, it would involve an equitable adjustment of the burden of finance, which we do not attempt to prejudge, but which would perhaps most naturally take the form of an agreement to provide from Indian revenues an annual total sum, subject to revision at intervals, and with the opportunity of sharing in economies. The contribution would be non-votable. So far, we are dealing with ordinary Army expenditure. In the case of extraordinary or war expenditure, there is a broad distinction between the cost of expeditions or operations which are the result of tribal activities and must be considered a normal incident of the Wardenship of the Marches and exceptional expenditure rendered necessary by the organized attack of a foreign Power. In the former case, the charges should, we think, fall entirely (as hitherto) on Indian revenues; while we feel that the circumstances may be such in the latter instance as to make a case for spreading the financial burden more widely. If such an agreement could be reached, the block to constitutional advance in India which this problem of defence now presents would no longer stand in the way.

If the responsibility for the Army in India is to rest with the Imperial Government, that Government would continue to be represented in India by the Governor-General, and the day-by-day administration of the Army would be, as now, in the hands of the Commander-in-Chief. The latter would, however, cease to be a member of the Indian Legislature, and, while he remained a colleague of the Governor-General, he would cease to be the holder of a portfolio in the Government of India. The Central Legislature, as now, would not vote supply for the Army; appropriations of revenue for this purpose would be authorized by certificate of the Governor-General. "But we should like to see the constitution of some Committee on Army Affairs on which the Central Legislature—and in time, we hope, the Indian States also—would have representatives for the purpose of discussing and keeping in touch with military questions."

"INDIANIZATION"

The Commission considers that the obligation to go forward steadfastly and sympathetically with the Indianization of the Army should continue to be honoured in the letter and the spirit if the Army of India were to pass, as the Commission suggests, out of the control of the Government of India. The Commissioners appreciate the fact that, in the end, a self-governing India can only hope to function with reasonable prospect of success if it can command military forces of its own. "And our proposal helps to remove an obstacle to the ultimate possession of such forces."

It is indicated that the Commission's proposals for the separation of Burma from India (contained in Part VI.) have a bearing on the subject of the North-Eastern Frontier of India. The Commission says it is clear that whatever arrangements are made for defence against attacks on the Assam-Burma front must be co-ordinated between India and Burma, and it would facilitate this if the defence of the North-East as well as of the North-West frontier became an Imperial function. The Report also says:—

In contemplating the possibility of the transfer at the present juncture of the administration of what is popularly known in India as Law and Order to elected Ministers, the Commissioners also contemplate the continuance unimpaired of the British Parliament's ultimate responsibility for the maintenance of the public peace. It follows, therefore, that the Governments in India which are exercising devolved powers in this sphere will have a right to look to the British Government for such measure of military force as may be necessary to enable them to discharge their obligations.

The difficulty to which we have just referred, namely the impossibility of placing British troops under the uncontrolled orders of elected Ministers for the purpose of quelling disturbances of the peace and maintaining order, we would meet by requiring every demand for Imperial troops for this purpose to be put forward by the express authority of the Governor of the Province himself, who would as far as possible satisfy himself as to their legitimate employment. The excessive use of military forces as a substitute for police should be guarded against by requiring a financial adjustment between provincial and central revenues, secured if necessary by arbitration, if it occurred.

PUBLIC PEACE

The position would, of course, be entirely altered once the ultimate constitutional stage is reached and the British Parliament resigns finally its mantle of responsibility in favour of the Indian Legislatures. With the attainment of complete self-government by India, which such transfer connotes, will pass to her also the entire responsibility for finding such forces as may be necessary to supplement the civil custodians of peace and order. A self-governing India could not as of right demand the loan of troops of the Imperial Army for civil purposes nor would a British Government, which will control that Army under our scheme, need any justification for refusing such a demand if made. One condition, therefore, of a self-governing India must be its ability to maintain without the aid of British troops the essental of all good government—namely, public peace and tranquillity.

We have been led to put forward the above suggestions for a new method of constitutional treatment of the problem of Indian defence because we have earnestly sought for some means by which the obstacle to progress which the control of the Army in India presents might be mitigated. To those who are tempted to say that the plan we have outlined is a derogation from the full range of Indian aspirations we would reply that special arrangements, suited to the necessities of each case, have been found necessary in the history of the evolution of more than one part of the Empire towards self-government. If such a treatment of the subject were regarded as inadmissible we should regret it, because the obstacle would remain. At present, as we have shown in an earlier chapter, there are other reasons why more rapid advance at the centre is impracticable, and this may be regarded by some as a reason for postponing consideration of the questions we have been discussing in this part of our Report. But it seems to us that it would be far better to face these difficulties and try to overcome them now. If British and Indian opinion will cooperate for the purpose, and, while grasping the realities of the position, will resolve to find a way to mitigate the obstacle to more rapid constitutional advance, this, we are convinced, would be a more desirable procedure than to delay until the urgency of the problem cannot be denied.

In conclusion, the Commissioners refer to the "hope that in days to come the constitutional evolution of India will lead to the establishment of a federal system, in which Indian States as well as British India will find a place." In a later passage they declare:—

They [the Indian States] are just as much concerned to resist assaults upon the integrity of India as those who live in British India, and, while they are entitled to rely on the protection guaranteed to them by the British Crown, they have shown themselves willing and eager to recognize and serve the common interest. Is it not therefore desirable to place the Army in India upon its proper footing now, as the best means of promoting this federal ideal? By this means we may be preparing a way by which the Indian States can participate naturally and easily, on equal terms with British India, in one of the functions of a federated India which cannot be regarded as the exclusive interest of a part of the whole. The advance cannot be hurried; the achievement will come about not by prematurely imposing constitutional devices, however ingenious, but by a natural process of growth. Sooner or later some such adjustment must come about if any substance is to be given to the idea of ultimate federation, and in order that decisions may not now be taken which might result in misleading hopes being raised we would urge that this wider aspect should not be shut out of view at the present stage.

PART VI.

THE FUTURE OF BURMA

In Part VI. the Commissioners discuss the future of Burma and recommend that Burma should be separated from India immediately. Two main grounds for the Commission's belief in the necessity of Burma's separation from India are the strength which Burman sentiment in its favour has now attained—to the overshadowing of every other Burman demand—and the constitutional difficulty of giving to Burma a satisfactory place in any centralized system designed to advance the realization of responsible government in British India.

The Commission points to the limited character of Burma's representation in the Central Legislature and to the fact that much of the time of the Assembly is taken up in discussion of questions which have no practical interest for Burma. Moreover, Burma increasingly feels that its own practical interests sometimes conflict with the policy which commends itself to the majority in the Central Legislature. For example, the tariff policy of India includes a substantial Customs duty on imported steel, which operates to protect the Indian steel industry. Burma, however, requires to import cheap steel for the purpose of her oil industry and for her general development. Thus the interests of the two countries in economic policy have already begun to diverge, and it is easy to imagine cases where future policy may make the divergence more considerable still. Yet "Burma's special interests carry little weight in the Indian Legislature in comparison with the more powerful influence of great business centres in India, like Bombay or Calcutta." The Commissioners add:—

Burma's actual experience as an element represented in the Central Legislature has reinforced the argument for separation based on national sentiment. As long as the Government of India was an autocratic Government, responsible only to the British Parliament, reasons of administrative convenience might justify the inclusion of Burma in the Indian Empire. But the British Government has announced its intention of establishing by progressive stages responsible government in British India, and no one in Burma believes that the Burmans would acquiesce permanently in being governed by a self-governed India. . . . We come to the definite conclusion, therefore, that nothing but the most overwhelming considerations could justify the continued retention of Burma within the Government of India.

TWO OBJECTIONS

The Commission discusses two main objections which have been raised, one military and the other financial and economic. Besides the "major and immediate problem" on the North-West, there is the "more distant and problematic one" in the North-East. Of this the Report says:—

The view which we take, and the recommendation which we are going to make, are not arrived at without appreciating that the defence of India proper and the defence of Burma are closely related questions, especially as the frontier to be watched in the North-East extends from Burma into Assam. But, if the problem of India's defence be viewed from Burma's standpoint, Burma has no immediate and personal concern with the defence of the North-West frontier; she is interested in it just as Ceylon is, but to no greater extent. The disparity in the menace which the North-East frontier presents may be measured by the utterly different scale and nature of the arrangements which have been made to meet it. No strategic railway leads up to the frontier zone; no money has been spent on lateral roads, and very little on Intelligence. The watch on the North-East frontier is entrusted to military police.

It is, of course, true that Burma does not rely exclusively on the forces stationed in Burma, but is also entitled to the services of the whole forces of India, subject to the satisfaction of simultaneous demands in India itself. But the size and nature of the Army in India are conditioned by the major, not by the minor, commitment. The value to Burma of the heavy armaments which India has in any case to maintain must surely be judged in terms of the liability which Burma's possible requirements impose. Burma's insurance premium should be proportionate to the risks incidental to her position. Burma well understands that if, after separation, she continues to place reliance upon the existence of the Army in India she must contribute towards its cost. The position, therefore, appears to be that, while Burma is not domestically interested in the defence of the North-West, she has on her own borders a less definite but potential danger which, if it actually emerged in concrete shape, she could not deal with single-handed. The North-East frontier problem cannot, therefore, be considered in isolation; the arrangements for meeting it must continue to be concerted with the authorities responsible for India's defence; but this is not necessarily a conclusive reason against political separation.

It would seem quite unreasonable to rate the threat from the North-East so high as to treat it as barring the possibility of the change. We see no reason whatever why it should not be possible to combine political separation with satisfactory arrangements in the military sphere.

We conceive that the troops in a separated Burma would be under the control of the Governor for purposes of watch and ward on the frontier and in all internal matters in which it is necessary for the civil power to seek their assistance; while, for

anything more than merely local defence against raiders, Burma would be in the same position as other parts of the Empire, plans for the defence of which in an emergency devolve upon the Imperial authorities. It would be open to the latter, by agreement with the authorities in India, to arrange a concerted scheme of defence.

With regard to the effects of separation upon the public finances of India and Burma, the Commission endorses the general conclusion of its Financial Assessor that separation could fairly be effected in such a way as to do no financial injury to either country and to leave Burma with adequate resources for her present needs and a balance for development purposes in excess of that which she obtains to-day. In view of the vital importance of Indian labour to Burma and of Burma's rice to India, and of Burma's need for Indian coal and gunnies, the Commission suggests that some special trade convention between India and Burma, if it could be arrived at, would be of advantage to both. The new constitution for Burma should make due provision for the protection of the legitimate interests of Indians domiciled in Burma.

The Commission advises that the announcement should be promptly and publicly made that the separation of Burma from British India has been decided upon and that consideration will at once be given to the question of the new constitution of Burma, and to the adjustment of the many complicated and important matters which must arise during the period of transition. While not attempting to frame a new constitution for Burma, the Commissioners say they conceive that the new constitution of a separated Burma would, like that of India, be a stage on the journey to more complete self-government. The Commissioners are of opinion that if separation took place, the Viceroy of India should cease to have any official responsibility towards Burma, and Burma should have a Governor of its own not subordinate to the Viceroy. The Report adds:—

> The point at which co-ordination of Indian and Burman affairs might be secured is in London and not at Delhi. It may be that, both in connexion with the separation of Burma from India and for other reasons also, the present distribution of functions and spheres between the different Secretaries of State who deal with Empire affairs will come up for reconsideration.

PART VII.

THE INDIAN STATES

Future relations with the Indian States are discussed at length in Part VII. of the Report. The Commissioners say they are glad to learn from many indications that their proposal of a Conference, to be held after their Report is published, to which both representatives of British India and representatives of the States would be invited by his Majesty's Government, has been welcomed on the side of the Indian Princes. In what follows in this part of the Report the Commissioners seek to concentrate attention upon and to analyse certain suggestions in the hope that their work may be useful to this Conference.

The Commissioners consider that they are following what has become a generally accepted view when they affirm their own belief that the essential unity of Greater India will one day be expressed in some form of federal association, but that the evolution will be slow and cannot be rashly pressed.

> Federations (they point out) come about only when the units to be federated are ready for the process, and we are far from supposing that the Federation of Greater India can be artificially hastened, or that, when it comes, it will spring into being at a bound. The practical question is whether at the present stage there are any definite but modest steps which might be taken by way of tentative advance.

The Chamber of Princes has provided a valuable means for joint consultation, but the Chamber is not in itself a federal organ, for it is exclusively concerned with Indian problems looked at from the side of the Indian States.

The Report adds:—

> What is now needed is some organ, however rudimentary, which will for some purposes, however limited, address itself to the treatment of matters which are of common concern to the whole of Greater India, not from the side of the Indian States alone, nor solely from the side of British India, but from both. Even if the new step is a very small one, it would be of profound significance, should it satisfy this condition. We hope that it may be found possible to make a beginning and we have three concrete proposals to put forward.

CONCRETE PROPOSALS

First, we should like to see a serious and business-like effort now made to draw up a list of those "matters of common concern" which are so often referred to, but have seldom been defined.

Secondly, we should like to see included in the Preamble to any new Government of India Act a recital which would put on record the desire to develop that closer association between the Indian States and British India which is the motive force behind all discussions of an eventual Federal Union. It would, of course, be absolutely necessary to make plain in the Preamble (what is at all times acknowledged and understood) that any such association can only come about if and so far as the Indian States desire that it should.

And thirdly, we wish to suggest that steps should be taken now to devise the creation and setting up of a standing consultative body containing representatives both from British India and the Indian States, with powers of discussion and of reaching and recording deliberate results on topics falling within the list of matters of common concern. It is clear that the machinery for joint consultation must precede anything in the nature of executive or legislative action on federal lines.

It is suggested that the Preamble to which reference has been made might contain a recital to the effect that it is desirable to make provision whereby such Indian States as so desire may be associated with British India in the consideration of matters of common concern between the Indian States and British India. The operative clause of the Act might provide that it should be lawful for the Crown to create by proclamation a Council for Greater India for the purpose of consulting on matters of common concern to British India and the Indian States. There would be a specific provision inserted that it was beyond the competence of the Council for Greater India to call in question or to discuss (*a*) the internal administration of an Indian State, or of British India, or of any part of it; and (*b*) the existence and exercise by the British Crown of its functions as paramount Power. Matters of common concern would be listed in a schedule to the Act.

The Council would consist of, say, 30 members, of which 10 would be representatives of the States. The Council would be presided over by the Viceroy, or in his absence by one of a committee of four Vice-Presidents, two from the States' side and two out of the contingent from British India. As regards the scheduled list of matters of common concern, the Commissioners think that the best plan would be to mention certain topics specifically and to add at the end of this specific list (so as to provide a power of expansion) the phrase "together with such other subjects of common concern as the Viceroy from time to time certifies as suitable for consideration by the Council." The Council's discussions would in some cases be in the nature of general debates and in other cases would refer to concrete proposals. The Council would provide an opportunity for taking the Indian States into consultation about changes in the tariff. The Commissioners add:—

> The whole scheme for the Council, as we conceive it, is designed to make a beginning in the process which may one day lead to Indian federation. What we are proposing is merely a throwing across the gap of the first strands which may in time mark the line of a solid and enduring bridge, and we feel convinced that the process must begin in organized consultation between the States and British India, both because such consultation is urgently needed in the interests of both, and because it will assuredly foster the sense of need for further developments and bring more nearly within the range of realization other steps which are as yet too distant and too dim to be entered upon and described.

PART VIII.

FINANCE

The whole of Part VIII., containing nine chapters, consists of the report of the Commission's Financial Assessor, Mr. (now Sir) W. T. Layton. The Commission's recommendations, which follow the general principles of this report, but do not touch upon future revenue and expenditure, appear earlier in Part IV. The report is based on two general assumptions, namely, that it is both possible and desirable to improve the economic and social condition of India by a substantial increase in the expenditure on nation-building services, and, secondly, that it is possible to raise additional revenues for this purpose, provided that the incidence to further taxation is adjusted to the capacity of the taxpayers to pay. If additional taxation is to be raised, however, it is necessary that the new constitution should ensure:—

> (*a*) That sources of revenue appropriate to their requirements are available for those authorities who have urgent and expanding services to administer;
>
> (*b*) That all parts of India make a not unfair contribution to common purposes; and
>
> (*c*) That responsibility for imposing additional taxation is definitely laid upon those who will have to incur additional expenditure.

It is stated that the existing financial scheme does not adequately fulfil these conditions. In particular, the allocation of resources between the Centre and the Provinces respectively has been criticized and with justice on three main grounds:—

> (*a*) Although the provinces have rapidly expanding needs, the sources of provincial revenue (of which the chief are land revenue, alcoholic excises and stamps) are almost stationary, while the revenue of the Centre (the chief sources are Customs, non-alcoholic excises, income-tax, and salt duty), which has to meet comparatively stationary needs, has expanded and is capable of further expansion;
>
> (*b*) It has treated the provinces very unequally, by giving some of them a much greater proportionate increase of revenue than others;
>
> (*c*) It has given practically no power to the provinces to tax industrial activities, and has therefore handicapped the industrial provinces.

An analysis of the central budget and of the elements which compose it shows that a surplus is likely to emerge gradually as a result of the growth of revenue, the chief contributor to which will be Customs. Any prospective surplus in the central budget, however, will go a comparatively little way towards meeting the needs of the provinces. It is therefore essential to find new sources of revenue. Additional funds may be found from the following sources:—

(*a*) Increased yield of the income-tax by lowering the exemption limits, by steepening the graduation in the case of intermediate incomes and by an amendment of the law relating to the taxation of income invested abroad. The rate is also low and a moderate increase should be possible;

(*b*) Abolition of the exemption of agricultural incomes from income-tax;

(*c*) National excises on such commodities as cigarettes and matches;

(*d*) Terminal taxes. [These are taxes levied at a railway station on all goods imported or exported at the station.]

ALLOCATION OF REVENUES

Three methods of dealing with this situation are discussed, and finally the method put forward as the one most desirable is that of supplementing the sources of revenue assigned to and collected by the provinces by certain national taxes collected by the Centre on behalf of the provinces and distributed to them on some predetermined automatic basis. A complete scheme of allocation should, the Report states, provide for the distribution of centrally collected revenues, in part according to origin and in part on a population basis. Details are given of the scheme proposed, but it is pointed out that the central budget cannot at present afford the immediate transfer of all the resources which it will ultimately lose under the scheme. It is therefore proposed that a time-table should be drawn up under which each of the items would be transferred according to a definite schedule that would complete the transfer in 10 years. In drawing up the schedule, the urgent needs of Bengal and to a less extent of Bombay should be recognized. If all the proposals embodied in the scheme are carried out the effect would be to add nearly 40 crores to the revenues of the provinces by 1940, of which 12 would have been transferred from the central budget. The proposal to assist the provinces by means of a Provincial Fund is described as essentially a federal idea. The Central Legislative Assembly in the form proposed by the Commission is a suitable body to vote the taxes that form part of the scheme, but the initiative in regard to changes in them should be taken officially by the Provincial Governments, of whose budgets they will form an integral part. The financial problem in relation to the Indian States is discussed in the Financial Assessor's report, and the importance of finding means of harmonizing the financial policy of the States and of British India is emphasized.

PART IX.

FUTURE OF THE SERVICES

Various recommendations for the future of the Civil Services are put forward in Part IX. The Commissioners recommend that the security services—the Indian Civil Service and the Indian Police Service—should continue to be recruited upon an All-India basis by the Secretary of State, who should have power under a rule similar to Rule 12 of the Devolution Rules to require Provincial Governments to employ these services in such numbers and in such appointments as he thinks necessary.

His decision (the Report says) would, of course, be arrived at only after discussion with the Provincial Governments and the Government of India, and would be subject to reconsideration from time to time. The quota of All-India officers would vary according to the circumstances of each province and might eventually disappear. But we do not think that the present numbers should be changed materially for some time to come, and the rights and prospects of officers now in the Services should be carefully safeguarded.

A more doubtful question, says the Report, is whether the Irrigation Service and the Forest Service should continue to be recruited on an All-India basis, and the Commission thinks that this question is of such importance that the authorities in India should have an opportunity of considering it further in the light of the general scheme of constitutional reform put forward by the Commission.

Rates of recruitment, as between Indians and Europeans, for the Indian Civil Service and the Indian Police Service were decided upon by the Lee Commission in 1924, and it was contemplated that these rates would be maintained up to 1939 for the Indian Civil Service and to 1949 for the Indian Police Service. The Statutory Commissioners say it is open to them to vary the Lee Commission's recommendations in this regard, but they are not prepared to depart from this time-table. The six years that have elapsed since the Lee Commission reported have not lessened the need for the British element in the security services. Communal tension has increased, and it has never been seriously denied that the impartiality of the British officer as between conflicting communal interests—an impartiality which he owes to his origin—gives him a special value in administration.

The Commission assumes that, following the Lee recommendation in similar circumstances, no change will be made in the position of existing members of any All-India services for which no further recruitment will be made, that they will retain all the rights of officers of an All-India service, and will receive any general concessions in pay, pension, allowances, &c., which may be sanctioned for services which are retained on an All-India basis. On this point the Report says:—

> It is essential for the success of the constitutional advances which we have recommended that the existing members of the All-India services should remain in the service, and that their rights and privileges should be safeguarded. At the present juncture India cannot afford to lose experienced officials, and measures must be effectively taken to discourage their premature withdrawal.
>
> We recommend, therefore, that retirement on proportionate pension should remain open without limit of time to any officer who might under the present rules have so retired upon the coming into force of the constitutional changes which we have proposed. If this is done, we believe that the majority of officers, provided their service rights are secured, will be prepared to remain in the service, in the assurance that if conditions became at any time so distasteful that loyal service was impossible for them, they could then retire without sacrifice of the pension earned by their past service.

In addition, the safeguards in the Act itself should be maintained.

MEDICAL TREATMENT

The Commission regards as essential the continued provision of medical treatment by European doctors for European officers of the services and their families. No change should be made in the rule which gives the Secretary of State in Council power to prescribe the number of Indian Medical Service officers to be employed in the provinces and the appointments and conditions upon which they shall be employed. It is recommended that special additions to the standard pensions should be given to officers who have borne the heavy strain of Governorship.

In addition to the existing Public Service Commission, the Report proposes that there should be established by Statute similar bodies covering the provincial and subordinate services in all the provinces. The Commissioners add:—

> We doubt if Indian Ministers always realize how seldom a Minister in England has anything to do with the selection or promotion of the *personnel* in his department. We are sure that they will welcome the removal from them of responsibility for appointments and for the examination of service appeals; for it will relieve them from embarrassing demands from their supporters and will set them free to devote themselves to more appropriate and more important duties. The protection of the services from political influences is an essential condition of the constitutional advances we recommend.

PART X.

THE HIGH COURTS

Part X. deals with the High Courts. It recommends that the charges of all High Courts should be put upon central revenues, and that the administrative control of all High Courts should be exercised by the Government of India and not by the Provincial Governments.

> At present the position of the High Court at Calcutta differs from that of other High Courts. In Bengal certain important functions involving control over the High Court, which have in other provinces been committed to the Governor in Council, have been entrusted to the Governor-General in Council. In other words, the High Court of Calcutta is under the Government of India for some administrative purposes. All the other High Courts are, for administrative purposes, under their respective Provincial Governments. This disparity of treatment is due to historic causes. There is no reason why the anomaly should not be removed by putting all the other High Courts (including the Chief Court of Oudh and the Courts of the Judicial Commissioners of the Central Provinces and of Sind) under the administrative control of the Central Government.

PART XI.

THE HOME AND INDIAN GOVERNMENTS

In Part XI., which deals with the relations between the Home and the Indian Governments, it is pointed out that the proposals made by the Commission for the extension of the field within which responsibility for the government of British India rests upon elected Indian Legislatures involve a corresponding restriction of the control of Parliament. As regards the India Office, the Governor-General in Council will remain in constitutional theory under the superintendence, direction, and control of the Secretary of State, and the extent to which this control is relaxed or falls into desuetude will depend upon future practice, and cannot be laid down in the Statute. Apart from his authority over the Governor-General in Council, the Secretary of State will exercise no control over Provincial Governments save in so far as he does so in connexion with the use of special powers vested in the Governor.

The functions and composition of the Council of India are modified by the Report. It is proposed to reduce its size and to provide that the majority of its members should have the qualification of more recent Indian experience than is required at present. The functions contemplated for the Council would be essentially advisory, but independent powers would continue for (1) the control of Service conditions, and (2) the control of non-votable Indian expenditure.

The Commission says it is not in a position to judge how far its recommendations will affect the *personnel* of the India Office, but if material reductions in the India Office staff should result from them the Commission thinks that consideration should be given to the question of granting special compensation to Civil servants for whom equivalent employment cannot be provided elsewhere.

PART XII.

THE BRITISH ACHIEVEMENT

Part XII.—"General Survey and Conclusion"—ends as follows:—

> In writing this Report we have made no allusion to the events of the last few months in India. In fact, the whole of our principal recommendations were arrived at and unanimously agreed upon before these events occurred. We have not altered a line of our Report on that account, for it is necessary to look beyond particular incidents and to take a longer view.
>
> Our object throughout has been to bring to the notice of the British Parliament and the British people such information as we are able to supply about the general conditions of the problem which now awaits solution, together with our considered proposals. We hope, at the same time, that our Indian fellow-subjects, after doing us the courtesy of studying the Report as a whole (for isolated sentences may give to any reader a wrong impression) will find that what we have put forward has been written in a spirit of genuine sympathy.
>
> No one of either race ought to be so foolish as to deny the greatness of the contribution which Britain has made to Indian progress. It is not racial prejudice, nor Imperialistic ambition, nor commercial interest, which makes us say so plainly. It is a tremendous achievement to have brought to the Indian sub-continent and to have applied in practice the conceptions of impartial justice, of the rule of law, of respect for equal civic rights without reference to class or creed, and of a disinterested and incorruptible Civil Service. These are essential elements in any State which is advancing towards well-ordered self-government. In his heart, even the bitterest critic of British administration in India knows that India has owed these things mainly to Britain. But, when all this is said, it still leaves out of account the condition essential to the peaceful advance of India, and Indian statesmanship has now a great part to play. Success can only be achieved by sustained good will and cooperation, both between the great religious communities of India which have so constantly been in conflict, and between India and Britain. For the future of India depends on the collaboration of East and West, and each has much to learn from the other.
>
> We have grown to understand something of the ideals which are inspiring the Indian national movement, and no man who has taken part in working the representative institutions of Britain can fail to sympathize with the desire of others to secure for their own land a similar development. But a constitution is something more than a generalization; it has to present a constructive scheme. We submit our Report in the hope that it may furnish materials and suggest a plan by means of which Indian constitutional reconstruction may be peacefully and surely promoted.

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